

Harford County, Maryland

ZONING CODE



Effective September 1, 1982

Amended through April 14, 2006

DEPARTMENT OF PLANNING AND ZONING
Harford County, Maryland

The appendices in this code are purely supplementary information,
and are not part of the Code as legally adopted.

ZONING

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Chapter 267, ZONING
Part I, Standards
[Adopted by Bill 82-14]

ARTICLE I
General Provisions

§ 267-1. Title.

This Part I shall be known and cited as the "Harford County Zoning Code." The Zoning Code shall include the text and regulations, the Official Zoning Maps and any amendments thereto.

§ 267-2. Legislative authority.

This Part 1 is adopted pursuant to Article 25A of the Annotated Code of Maryland and the Charter. The Zoning Maps of the county shall be the comprehensive countywide maps adopted by legislative action simultaneously herewith or subsequent hereto.

§ 267-3. Purpose.

- A. The purpose of this Part 1 is to promote the health, safety, morals and general welfare of the community by regulating the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the size of lots, yards and other open spaces and the location and use of buildings, structures and land for business, industrial, residential and other purposes. This Part 1 is enacted to support the Master Plan and designed to control traffic congestion in public roads; to provide adequate light and air; to promote the conservation of natural resources, including the preservation of productive agricultural land; to facilitate the construction of housing of different types to meet the needs of the county's present and future residents; to prevent environmental pollution; to avoid undue concentration of population and congestion; to facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks and other public facilities; to give reasonable consideration, among other things, to the character of each district and its suitability for particular uses, with a view to conserving the value of buildings and encouraging the orderly development and the most appropriate use of land throughout the county; to secure safety from fire, panic and other danger; and to conserve the value of property.
- B. It is the policy of Harford County, Maryland, that the provisions of this Part 1 or any rule or regulation adopted to administer this Part 1 shall not be interpreted, implemented or intended in any manner so as to regulate, restrict, control, interfere with or govern the use of a person's home with respect to those uses commonly associated with the enjoyment of the home, including but not limited to the rights of

parents to educate their children in their own home and the rights of persons to use their own home for religious activities. [Added by Bill No. 86-35]

§ 267-4. Definitions. [Amended by Bill Nos. 82-54; 83-9; 83-35; 84-29; 84-37; 00-10]

For purposes of this Part 1, the following words and phrases shall have the meanings provided below:

ABANDON -- To relinquish the right to use or to cease the use of property without the intention to either transfer rights in the property or to resume the use thereof.

ABUT -- To physically touch, border upon or share a common property line.

ACCESS -- An unobstructed way or means of approach to provide entry to or exit from a property.

ACCESSORY STRUCTURE OR USE -- A structure or use of land, or portion thereof, customarily incidental and subordinate to the principal use of the land or building and located on the same lot or parcel of land with such principal use. [Amended by Bill No. 88-21]

ADULT BOOKSTORE or ADULT ENTERTAINMENT CENTER -- An entity or establishment that, as its principal business purpose, offers for sale, rental, exhibition or viewing, any printed, recorded, digitally analogued or otherwise viewable matter, any kind of sexual paraphernalia or any kind of live performance, entertainment or exhibition, that depicts, describes or relates to sexual conduct, sexual excitement or sadomasochistic abuse. For purposes of this definition: "sexual conduct" means human masturbation, sexual intercourse, or the touching of or contact with genitals, pubic areas or buttocks of a human, the breasts of a female, whether alone or between members of the same or opposite sex, or between humans and others; "sexual excitement" means the condition of human genitals, or the breasts of a female, when in a state of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity; and "sadomasochistic abuse" means flagellation or torture by or upon a human who is nude, or clad in undergarments, or in a revealing or bizarre costume, or the condition of one who is nude or so clothed and is being fettered, bound or otherwise physically restrained. Adult entertainment center includes an adult bookstore. [Added by Bill No. 96-66]

AFFORESTATION -- The establishment of tree cover in an area from which it has always or for at least twenty (20) years been absent, or the planting of open areas which are not presently in forest cover. [Added by Bill No. 88-21]

AGRICULTURAL PRODUCT -- Livestock, any agricultural, forestry, horticultural, vegetable, or fruit product of the soil, and any extraction of such a product. [Added by Bill No. 94-14]

AGRICULTURAL PUBLIC EVENTS -- Events related to agricultural vocations, other than temporary uses already permitted in this Article, including but not limited to, farm tours, animal rodeos, corn mazes, fee fishing and hunting, cross country skiing, sledding, pond ice skating and equestrian trail rentals. [Added by Bill No. 99-59]

AGRICULTURAL RETAIL -- The sale of agricultural products. [Amended by Bill No. 94-14]

AGRICULTURAL SERVICES -- Uses which serve or support agriculture, including farm equipment service, auction sales of animals, feed and grain mills, farmers co-ops and agricultural products processing, animal hospitals and veterinary clinics.

AGRICULTURE -- All methods of production and management of livestock, crops, vegetation and soil. This includes but is not limited to the related activities of tillage, fertilization, pest control, harvesting and marketing. It also includes but is not limited to the activities of feeding, housing and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses and poultry and handling their by-products. [Amended by Bill No. 88-21]

AG/MO -- Those properties zoned agricultural as shown on the Harford County Zoning Map and having an MO designation, as shown on the 1996 Land Use Map. [Added by Bill No. 98-36]

ALLEY -- A servicerway providing a secondary means of access to abutting property and not primarily intended for public access.

ANADROMOUS FISH PROPAGATION WATERS -- Those streams that are tributary to the Chesapeake Bay, where spawning of anadromous species of fish (e.g., rockfish, yellow perch, white perch, shad and river herring) occurs or has occurred. The geographic location of such streams has been identified by the Tidewater Administration, Maryland Department of Natural Resources. [Added by Bill No. 88-21]

ANIMAL RODEO -- A public performance featuring but not limited to jousting, fox hunting, polo, horse shows, horse pulling, bronco riding, calf roping, steer wrestling, bull riding, point-to-point races and steeple chases. [Added by Bill No. 99-59]

ANIMAL UNIT -- The unit of measurement used by the University of Maryland Agricultural Extension Service to establish animal equivalents.

ARCADE -- A structure housing three (3) or more commercial mechanical or electronic devices used for amusement.

ASSEMBLY HALL -- See "community center."

ASSISTED LIVING FACILITY -- A facility to provide supervision, monitoring or assistance with the activities of daily living for more than 25 elderly or disabled persons in a residential setting. [Added by Bill No. 98-36]

BASEMENT -- A story having one-half (½) or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6½) feet.

BEST MANAGEMENT PRACTICES (BMP'S) -- Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics and sediment. [Added by Bill No. 88-21]

BOARDING HOME or TOURIST HOME -- A building in which lodging or meals are provided for compensation to three (3) or more guests on a permanent or temporary basis.

BOARD OF APPEALS or BOARD -- The administrative body of the county vested and charged with the power set forth in this Part 1.

BUFFER -- Land area left in its natural state or which is vegetated and managed to protect significant/special natural features from the adverse impacts of adjacent land uses or development. [Added by Bill No. 85-12; amended by Bill No. 88-21]

BUFFER EXEMPT AREA -- Those areas as of December 1, 1985 where it can be demonstrated that the existing pattern of residential, commercial, industrial, or recreational development in the critical area prevents the buffer from fulfilling the functions set forth in COMAR 27.01.09.01.B for water quality and wildlife habitat and which are mapped buffer exempt by the Department of Planning and Zoning. [Added by Bill No. 94-62]

BUFFER YARD -- A portion of a lot included within setbacks and improved with plantings, earth berms or fences.

BUILDING -- Any structure having a roof supported by columns or walls and intended for the shelter, housing, storage or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

BUILDING COVERAGE -- That portion of a lot which is covered by buildings.

BUILDING HEIGHT -- The vertical distance of a building or structure measured from the average contact grade to the highest point of the roof.

BUILDING LINE -- The line which is located at the front yard setback of a lot and at which the required lot width for the district is met.

BUILDING, PRINCIPAL -- Any building which serves a principal permitted use. Any buildings or structures attached to the "principal building," either directly or by a breezeway, shall be considered part of the "principal building."

BUSINESS SERVICES -- Establishments primarily engaged in rendering services to businesses on a fee or contract basis, including actuarial services, advertising services, blueprinting and photocopying, catering, credit reporting and collection services, data processing, detective and protection services, direct-mail advertising, disinfecting and exterminating, duplicating and publishing, employment agencies and services, janitorial services, motion-picture distribution services, office or business equipment rental and leasing, photofinishing, secretarial or stenographic, tag and title service, telecommunications and window cleaning.

CALIPER [Added by Bill No. 91-31] -- The diameter of a tree measured:

- A. At six (6) inches above grade for trees with a caliper of four (4) inches or less; and
- B. At twelve (12) inches above grade for trees with a caliper of more than four (4) inches.

CHAMPION TREE -- The largest tree of its species in the United States, Maryland, or Harford County, as appropriate. [Added by Bill No. 91-31]

CHANGE OF USE -- Any use which differs substantially from the previous use of a building or land.

CLEAR and CLEARING -- Cutting or removing trees, ground cover, stumps, and roots, including the movement of topsoil prior to grading. [Added by Bill No. 91-31]

CLEARCUTTING -- The removal of the entire stand of trees in one (1) cutting with subsequent reforestation obtained by natural seeding from adjacent stands or from trees that were cut, from advanced regeneration or stump sprouts or from planting of seeds or seedlings by man. [Added by Bill No. 88-21]

CLINIC -- A place for the treatment of outpatients by three (3) or more health professionals in group practice.

CLUSTER DEVELOPMENT -- A residential development in which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat, forest preservation or other permanent open space uses on the remainder. [Added by Bill No. 88-21]

COLLECTOR SYSTEM -- Sewer pipe lines, smaller than twenty-four inches in diameter, which collect sanitary wastewater from drainage area and convey it to the interceptor. [Added by Bill No. 93-24]

COLONIAL NESTING WATER BIRDS -- Herons, egrets, terns and/or glossy ibis, which, for purposes of nesting, congregate (that is, "colonize") in relatively few areas, at which time the regional populations of these species are highly susceptible to local disturbances. [Added by Bill No. 88-21]

COMMERCIAL AMUSEMENT AND RECREATION -- Establishments providing commercial amusement, entertainment or recreation, including arcades, bowling alleys, gymnasiums, health clubs, martial arts clubs and schools, miniature golf courses, nautilus clubs, pool halls, skating rinks, tennis and racquetball clubs.

COMMERCIAL HARVESTING -- The cutting and removal of trees by companies or private individuals for economic gain. [Added by Bill No. 88-21]

COMMERCIAL VEHICLE [Amended by Bill No. 93-60]

A. Any motor vehicle, trailer or semi-trailer that:

- (1) Is designed or used to carry products, freight, merchandise, or equipment for a fee;
- (2) Is designed or used to carry passengers for compensation, including school buses and taxicabs, except as provided in Subsection B of this definition; or
- (3) Has a gross vehicle weight or a gross combination weight in excess of 10,000 pounds, as recorded by the State Motor Vehicle Administration on the vehicle's registration certificate, or as recorded by the manufacturer on the certificate of origin if no specific weight is recorded on the registration certificate.

B. Does not include:

- (1) Any farm vehicle or farm equipment actually and regularly used on a farm;
- (2) Any school or church vehicle when parked at a civic, educational, recreational or religious institution;
- (3) Any recreational vehicle as defined in this section;
- (4) Any vehicle registered as a vanpool with the Motor Vehicle Administration; or
- (5) Any historical vehicle registered with the Motor Vehicle Administration.

COMMUNITY CENTER -- A building which has a permitted capacity in excess of one hundred fifty (150) people, is used for recreational, social, educational, cultural or religious activities and is owned and operated by a public or nonprofit organization.

COMMUNITY PIERS -- Noncommercial boat docking or mooring facilities that are owned by and operated for the benefit of the residents of a platted riparian subdivision or condominium, apartment or other multiple-family dwelling unit; the term does not include individual private piers maintained by riparian landowners. [Added by Bill No. 88-21]

COMMUNITY WATER SYSTEM -- A water facility serving six or more lots which is owned and maintained by an entity other than the county or a municipality. [Added by Bill No. 93-24]

CONSERVATION DEVELOPMENT -- A residential development in which single family dwelling lots are concentrated in a selected area or selected areas of the parcel. [Added by Bill No. 95-31]

CONSTRUCTION SERVICES AND SUPPLIERS -- The performance of work by or furnishing of supplies to members of the building trades, including building contractors; carpentry and wood flooring services; electrical services; energy systems service and products; general contracting; masonry, stonework, tilesetting and plastering services; plumbing, heating and air-conditioning services; roofing and sheet metal services; and septic tanks sales, service and installation.

CONTIGUOUS -- Parcels of land which abut or are in close proximity to one another.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC) - A building or group of buildings providing a continuity of residential occupancy and health care for elderly persons. This facility includes dwelling units for independent living, assisted living facilities, plus a skilled nursing care facility of a suitable size to provide treatment or care of the residents; it may include ancillary facilities for the further employment, service or care of the residents. The facility is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. Such facilities must meet the standards of Article 70B, Continuing Care Contracts, of the Annotated Code of Maryland. [Added by Bill No. 98-36]

CONVENIENCE GOODS STORES -- Retail establishments of less than seven thousand five hundred (7,500) gross square feet which accommodate neighborhood needs, including retail bakeries, candy, nut and confection shops, dairy products stores, delicatessens, doughnut shops, drugstores, fruit and vegetable stores, meat and fish stores and grocery and food stores.

CORPORATE OFFICES -- Facilities where administrative or clerical operations are performed as the principal use for corporations, businesses, companies, partnerships and associations. The term "corporate offices" does not include professional services as defined in this subsection unless such professional services are providing assistance solely for the use of the corporate offices and not the general public. [Added by Bill No. 97-12]

COTTAGE HOUSE -- A temporary second dwelling on a single residential lot, subject to Board approval as a special exception.

COUNTRY INN -- An historic building used for the lodging of three (3) or more transients and managed by an owner or resident.

COURT -- A fully or partially enclosed area which admits unobstructed light and air, bounded on two (2) or more sides by buildings.

CREAMERY -- An establishment in which dairy products are processed and produced, including incidental retail sales.

CRITICAL AREA -- All lands and waters designated on the overlay maps to the Official Zoning Map of Harford County as intensely developed areas, limited development areas or resource conservation areas, pursuant to the Maryland Annotated Code, Natural Resources Article, § 8-1807(c). [Added by Bill No. 88-21]

CRITICAL AREA BUFFER -- A naturally vegetated area or vegetated area established or managed in accordance with COMAR 14.15.09 to protect aquatic, wetland, shoreline and terrestrial environments from man-made disturbances. [Added by Bill No. 88-21]

CUSTOM MADE WOOD HOUSEHOLD FURNITURE - Means an establishment engaged in on-site production of individually crafted wood furniture commonly used in dwellings, excluding upholstered furniture. [Added by Bill No. 02-20]

CUT -- Removing trees without removing stumps and roots. [Added by Bill No. 91-31]

DAY-CARE CENTER -- A facility operated for the purpose of providing nonresidential group care as defined by state law for a specific number of unrelated minor or dependent persons.

DAY-CARE HOME, FAMILY -- A residence that is registered by the state in which family day care is provided pursuant to state regulations.

DENSITY -- The number of dwelling units per unit of land.

DENSITY, GROSS -- The density computed by reference to all land within the boundaries of a particular parcel.

DEPARTMENT -- The Department of Planning and Zoning. [Added by Bill No. 91-31]

DEVELOPMENT -- The construction, reconstruction, conversion, erection, alteration, relocation, or enlargement of any building or structure; any mining, excavation or landfill; and any land disturbance in preparation for any of the above. [Amended by Bill No. 91-31]

DEVELOPMENT ACTIVITIES -- The construction or substantial alteration of residential, commercial, industrial, institutional, transportation or utility facilities or structures. [Added by Bill No. 88-21]

DIAMETER AT BREAST HEIGHT (DBH) -- The diameter of a tree measured at four and one-half (4½) feet above grade. [Added by Bill No. 91-31]

DRIPLINE -- An imaginary vertical line that extends down from the outermost branches of a tree to the ground. [Added by Bill No. 91-31]

DWELLING -- A building or portion thereof used primarily for human habitation or, where applicable, a single dwelling unit within such building.

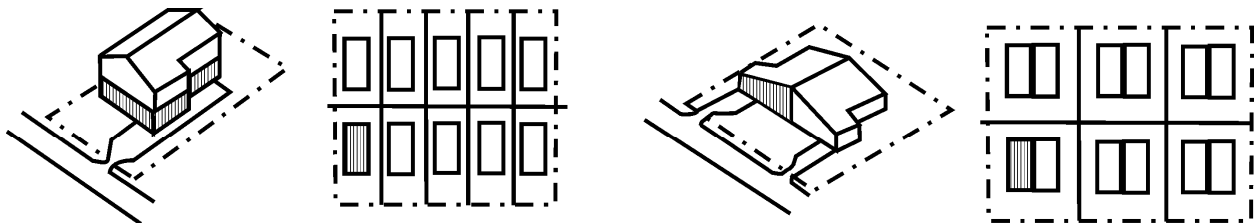
DWELLING, ATTACHED -- A dwelling unit attached to one (1) or more dwelling units by walls or roof.

DWELLING, CARRIAGE COURT -- A building containing 4 or more dwelling units, each with a separate entrance. [Added by Bill No. 94-10]

DWELLING, CLUSTER TOWNHOUSE -- A building containing four (4) or more attached dwelling units of one (1) or two (2) stories sharing common walls and designed to orient the building units around a central court. [Added by Bill No. 87-22]

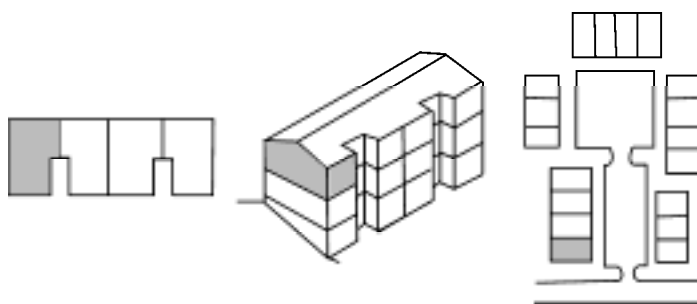
DWELLING, DETACHED -- A dwelling unit which is not attached to any other dwelling by any means.

DWELLING, DUPLEX -- A building on a single lot containing two dwelling units, which do not share a common entry. [Amended by Bill No. 97-54]



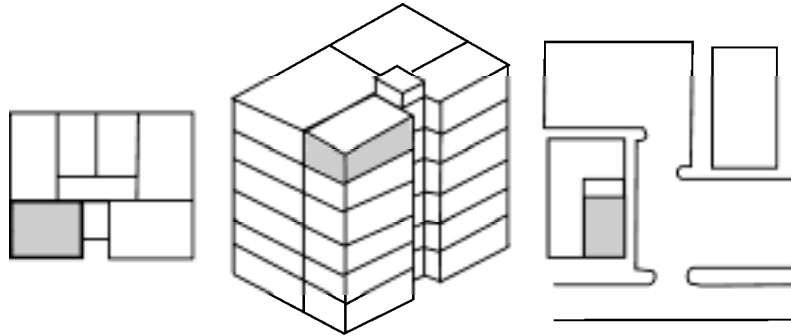
DUPLEX DWELLING

DWELLING, GARDEN APARTMENT -- A building containing four (4) or more dwelling units off a common entry with no more than three (3) stories.



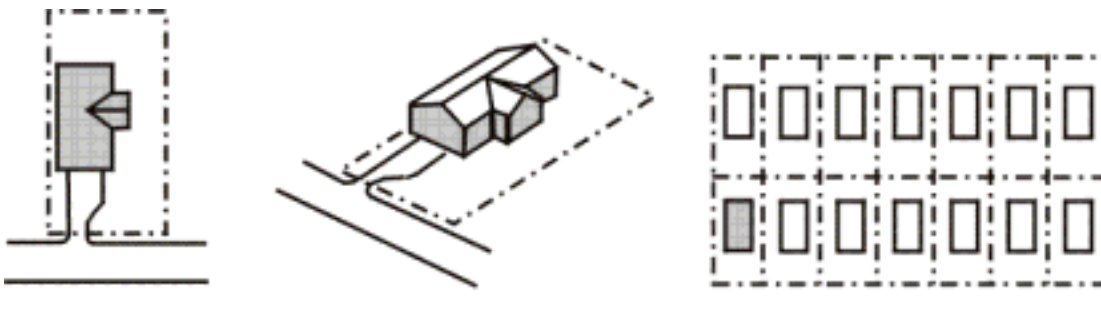
GARDEN APARTMENT

DWELLING, HIGH-RISE APARTMENT -- A building containing eight (8) or more dwelling units, with six (6) or more stories and a common entry.



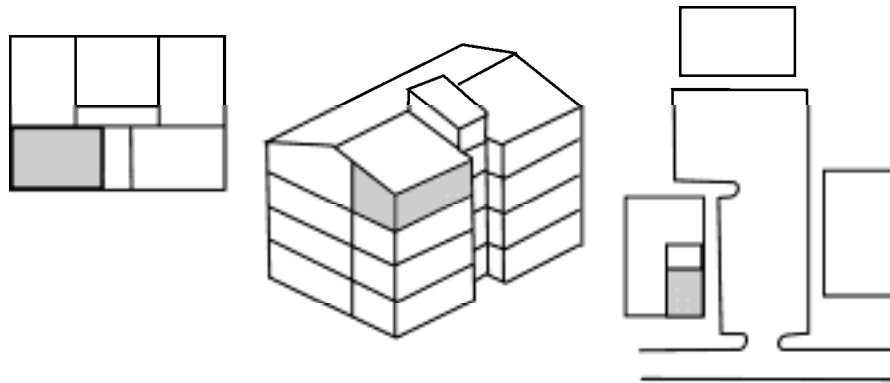
HIGH-RISE APARTMENT

DWELLING, LOT-LINE -- A building on a single lot containing one (1) dwelling unit, located with one (1) side on or near one (1) side lot line and designed to orient interior living space to the other three (3) yards.



LOT LINE DWELLING

DWELLING, MID-RISE APARTMENT -- A building containing eight (8) or more dwelling units off a common entry with four (4) or five (5) stories.

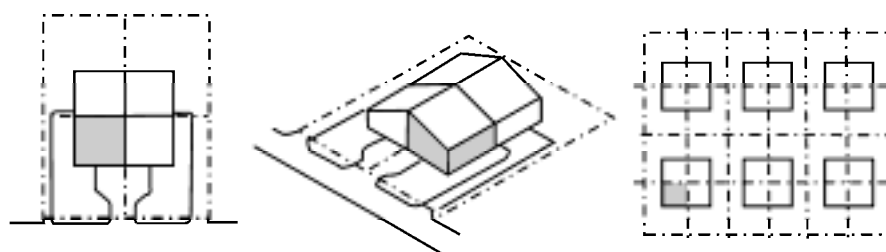


MID-RISE APARTMENT

DWELLING, MOBILE HOME -- A structure, transportable in one (1) or more sections, which is at least twelve (12) feet in width and a minimum of four hundred thirty-two (432) square feet in area when assembled and erected on site and which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation, when connected to the required utility.

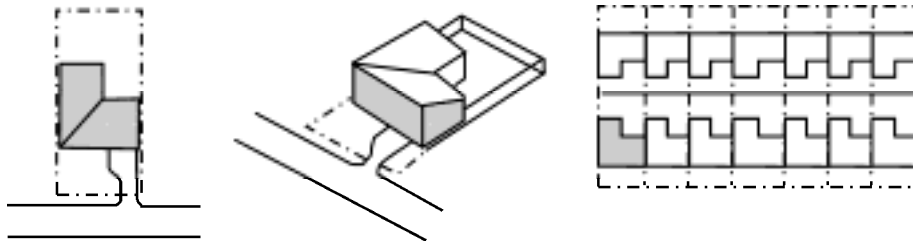
DWELLING, MULTI-FAMILY -- Three or more dwelling units constructed on a permanent foundation, designed for three or more families and located on a single lot or parcel. [Added by Bill No. 93-24]

DWELLING, MULTIPLEX -- A building containing three (3) or more attached dwelling units having common walls and/or roof and a separate entry for each unit. For buildings containing more than four (4) units, interior units access from the front and rear of the dwelling. End units are oriented to the area away from the interior units. [Amended by Bill No. 86-17]



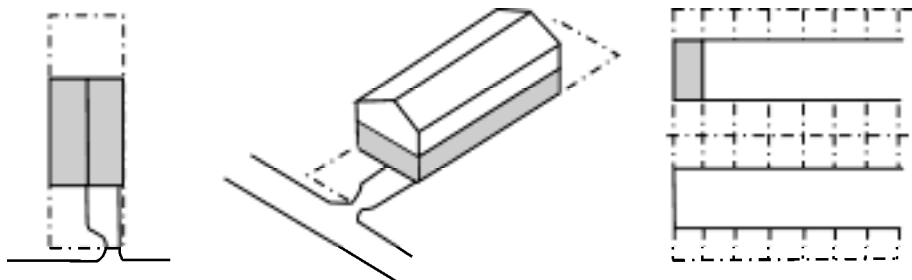
MULTIPLEX DWELLING

DWELLING, PATIO, ATRIUM OR COURT -- A building containing two or more attached dwelling units of one story or 1½ stories, sharing common walls, and designed to orient interior living space to a court or private open space. [Amended by Bill No. 98-36 and Bill No. 01-6]



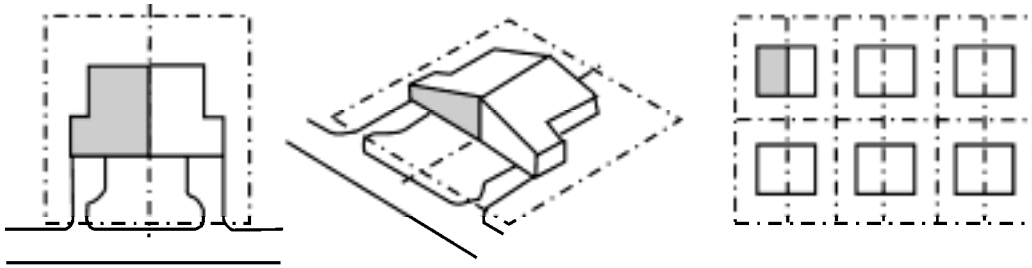
PATIO, ATRIUM OR COURT DWELLING

DWELLING, ROW DUPLEX -- A duplex dwelling which shares one (1) or more common walls with other duplex or townhouse dwellings.



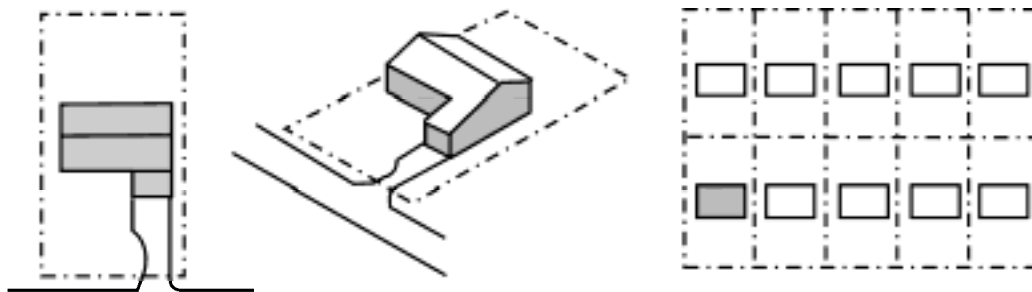
ROW DUPLEX DWELLING

DWELLING, SEMIDETACHED -- A building containing two (2) attached dwelling units which share a common wall at the lot line and which are on separate lots.



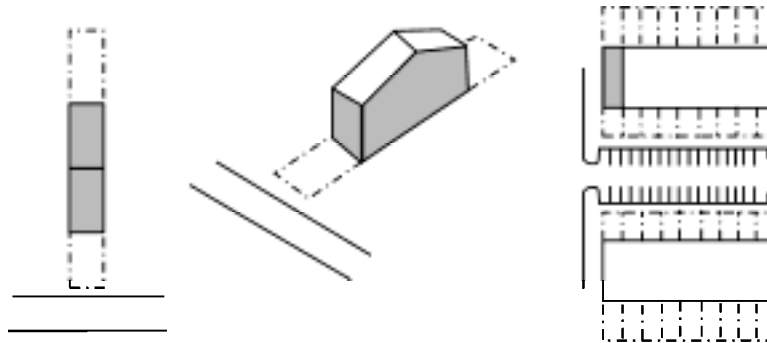
SEMI-DETACHED DWELLING

DWELLING, SINGLE-FAMILY DETACHED -- A building containing one (1) dwelling unit on one (1) lot and detached from any other dwelling. This does not include a mobile home.



SINGLE FAMILY DETACHED DWELLING

DWELLING, TOWNHOUSE -- A building containing three (3) or more attached dwelling units in a row having access from the front and rear of the dwelling.



TOWNHOUSE DWELLING

DWELLING UNIT -- A dwelling designed for one (1) or more individuals who function as a single household unit or family.

DWELLING UNIT, EFFICIENCY -- A dwelling unit consisting of not more than one (1) habitable room, together with kitchen or kitchenette and sanitary facilities.

EGRESS -- An exit.

EXISTING USE -- The lawful use of a building, lot or structure at the time of the enactment of this Part 1.

EXPECTED PEAK GRAVITY FLOW -- The projected average flow peaked in accordance with the Maryland Department of the Environment design guidelines for sewerage facilities peaking curve. [Added by Bill No. 93-24]

EXTRACTION -- Removal or recovery of soil, rock, minerals, mineral substances or organic substances, other than vegetation, from water or land, on or beneath the surface of either, whether exposed or submerged.

FAMILY -- One (1) or more individuals occupying a dwelling unit and functioning as a single housekeeping unit, except that more than eight (8) unrelated individuals occupying a dwelling unit constitutes a group home.

FARMERS CO-OP -- An enterprise which is collectively owned by a group of farmers, is operated for their mutual benefit and provides goods or services in support of agricultural activities.

FENCE -- An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FIRE STATION ASSEMBLY HALL -- A building that is owned by a volunteer fire company and that under the State Fire Prevention Code has a permitted capacity of more than 150 persons. [Added by Bill No. 91-66]

FLEXIBLE DESIGN DEVELOPMENT -- A residential development that provides a variety of dwelling types integrated within one development through the use of modified design requirements in accordance with the special development regulations of this Part 1. [Added by Bill No. 96-60]

FLOODPLAIN -- The channel and a contiguous area of a stream, river or other water body which has been or may reasonably expect to be flooded by floodwaters with an average frequency of occurrence on the order of once every one hundred (100) years.

FLOOR AREA, GROSS -- The sum of the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls or from the center line of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than six (6) feet.

FORESTED AREA -- A biological community dominated by trees and other woody plants covering a land area of one (1) acre or more. This also includes areas that have been cut but not cleared. It also includes areas of one (1) acre or more in size that have been designated as developed woodlands because they predominantly contain trees and natural vegetation but also contain residential, commercial or industrial structures and uses. Such areas can further be characterized by the presence of at least four hundred (400) seedlings per acre which are vigorous, well-distributed throughout and free to grow or at least twenty-five-percent tree canopy cover. [Added by Bill No. 88-21]

FOREST INTERIOR DWELLING BIRDS -- The species of birds identified by the Maryland Forest, Park and Wildlife Service, which require relatively large forested tracts in order to breed successfully such as various species of flycatchers, hawks, owls, warblers, vireos and woodpeckers. [Added by Bill No. 88-21]

FORESTRY -- The clearing or harvesting of forested or wooded areas, including temporary logging and milling operations, selective cutting or clearing for commercial purposes.

FRONTAGE -- That portion of a lot which abuts a road.

GARAGE -- A building or part thereof used or intended to be used for the parking and storage of motor vehicles.

GENERAL MERCHANDISE -- Any retail trade use characterized by the sale of bulky items, outside display or storage of merchandise or equipment, such as farm and garden supplies, ice-storage houses, lumber and building materials, marine equipment sales and service and stone monument sales.

GREENHOUSES AND NURSERIES, COMMERCIAL -- A retail business for the cultivation and sale of plants grown on the premises in greenhouses or as nursery stock and accessory items directly related to their care and maintenance, such as pots, soil, mulch, fertilizer, insecticides, rakes or shovels. This use includes the storage and sale of mulch incidental to the nursery operation, but does not include the processing or grinding of mulch. [Amended by Bill No. 93-84]

GROUP HOME -- A building housing more than eight (8) unrelated individuals operated as a single household with common cooking and eating facilities.

GROUP PARKING -- A hard-surfaced area designed to provide parking for three (3) or more dwelling units, for business uses requiring more than ten (10) parking spaces or any other parking area designed for twenty (20) or more motor vehicles.

HABITAT AREAS OF LOCAL SIGNIFICANCE -- Areas whose geographic location has been mapped by the Harford County Department of Planning and Zoning that have been determined to be important to the county because they contain species uncommon or of limited occurrence in the county or because the species are found in unusually high concentration or because they contain an unusual diversity of species. [Added by Bill No. 88-21]

HABITAT PROTECTION AREA [Added by Bill No. 88-21] -- Any existing area of open water, tidal or nontidal wetland, stream or river channel, stream or river bank or upland area of any type and size, including a reasonable protective area, within Harford County's Chesapeake Bay Critical Area which has been determined to be of significant natural value because it contains at least one (1) of the following:

- A. A buffer area adjacent to tidal waters, tidal wetlands or tributary streams.
- B. Nontidal wetlands.
- C. The habitat of a species of plant or animal listed by state or federal authorities as endangered, threatened or in need of conservation or a designated natural heritage area.
- D. A plant or wildlife habitat which is determined to be of local significance.
- E. A forest-interior-dwelling bird habitat.
- F. A colonial water bird nesting habitat.

- G. A habitat for the feeding, resting or grouping of wintering and migrating waterfowl species.
- H. Anadromous fish propagation waters.

HAWKER and PEDDLER -- Any person engaged in the business of selling goods, wares or merchandise, who must be licensed by the state as a "hawker" or "peddler." [Added by Bill No. 85-7]

HEALTH SERVICES -- The provision of medical, surgical, dental and other health services to individuals, including medical outpatient clinics, medical laboratories, dental clinics, dental laboratories, hospital supplies and opticians.

HIGHLY ERODIBLE SOILS -- Soils with a K factor of .37 and a slope greater than five percent (5%) or soils with a K factor of .32, a slope greater than five percent (5%) and a muwathel factor of 1, as identified by the Harford County Department of Planning and Zoning and the Harford County Soil Conservation District. [Added by Bill No. 88-21]

HISTORIC DISTRICT -- An area designated as an "historic district" by the county.

HISTORIC SITE -- A parcel of land of historical or cultural significance, which is eligible for designation on the National or State Register of Historic Places or as a Harford County landmark.

HISTORIC STRUCTURE OR BUILDING -- A structure of historical, cultural or architectural significance which is eligible for designation on the National or State Register of Historic Places or as a Harford County landmark.

HOME OCCUPATION -- Any business activity regularly conducted by a resident as an accessory use within the dwelling or an accessory building which meets the standards specified in this Part 1 for such use.

HOMEOWNERS' ASSOCIATION -- An association or other legal entity comprised of owners of land or dwellings, organized to own, operate or maintain open space or facilities used in common by such owners.

HOSPITAL -- An institution providing inpatient health-care services and medical or surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related activities, such as laboratories or training facilities.

HOTEL -- A building offering transient lodging accommodations to the general public, which may provide as accessory uses restaurants, meeting rooms and recreation facilities.

HOUSING FOR THE ELDERLY -- A building which is designed for the needs of elderly persons and which is subject to management or other legal restrictions that require that the

project shall be occupied by households wherein at least one person is aged 55 or over.
[Amended by Bill No. 98-36]

HYDRIC SOILS -- Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils, as identified by the United States Department of Agriculture Soil Conservation Service.
[Added by Bill No. 88-21]

HYDROPHYTIC VEGETATION -- Those plants cited in Vascular Plant Species Occurring in Maryland Wetlands (Dawson and Burke, 1985), which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in water habitats). [Added by Bill No. 88-21]

IMPACT NOISE -- Transient pulses of noise, either repeated or as individual noises.

IMPERVIOUS SURFACE -- Any surface covered by material which prevents the infiltration of water. [Amended by Bill No. 88-21]

INGRESS -- An entry.

INTENSELY DEVELOPED AREAS [Added by Bill No. 88-21] -- Those areas where residential, commercial, institutional and/or industrial developed land uses predominate and where relatively little natural habitat occurs. Such areas are to be at least twenty (20) acres in size and have at least one (1) of the following features:

- A. Housing density is equal to or greater than four (4) dwelling units per acre.
- B. Industrial, institutional or commercial uses are concentrated in the area.
- C. Public sewer and water collection and distribution systems are currently serving the area and housing density is greater than three (3) dwelling units per acre.

INTERCEPTOR -- Sewer pipe lines twenty-four inches or larger in diameter. [Added by Bill No. 93-24]

INTERMITTENT STREAM [Added by Bill No. 91-31] -- A stream:

- A. In which surface water is absent during a portion of the year;
- B. That is shown on the most recent 7.5 Minute Topographic Quadrangle published by the United States Geologic Survey; and
- C. That has been confirmed to be an intermittent stream through field verification.

INTERSECTION -- The crossing of two (2) or more roads at grade.

JUNK -- Any scrap, waste, reclaimable material or debris, either stored or used in conjunction with dismantling, processing, salvage, storage, bailing, disposal or other use or disposition.

JUNK- OR SALVAGE YARD -- Any land or structure used for a salvaging operation, including but not limited to the storage and sale of junk or the collection, dismantlement, storage or salvage of three (3) or more untagged or inoperative motor vehicles, but excluding wrecked motor vehicles stored for a period of not more than ninety (90) days.

KENNEL -- Any establishment, not part of an agricultural use, in which six (6) or more domestic animals, such as cats, dogs and other pets, more than six (6) months old are kept, groomed, bred, boarded, trained or sold.

LANDSCAPING -- The improvement of property with lawns, trees, plants and other natural or decorative features.

LIMITED DEVELOPMENT AREAS [Added by Bill No. 88-21] -- Those areas which are currently developed in low- or moderate-intensity uses. They also contain areas of natural plant and animal habitats, and the quality of runoff from these areas has not been substantially altered or impaired. These areas shall have at least one (1) of the following features:

- A. Housing density ranging from one (1) dwelling unit per five (5) acres up to four (4) dwelling units per acre.
- B. Areas not dominated by agriculture, wetland, forest, barren land, surface water or open space.
- C. Areas having public sewer or public water, or both.
- D. Areas meeting the definition of intensely developed areas except for being less than twenty (20) acres in size.

LOFT -- An intermediate level located between the floor and ceiling of a story, open on at least one (1) side to the room in which it is located. [Added by Bill No. 88-62]

LOT -- A designated area of land established by plat, subdivision or as otherwise permitted by law to be used, developed or built upon as a unit.

LOT, ADJACENT RESIDENTIAL -- A lot which abuts another lot or parcel of land and is either within a residential district or is a lot of two (2) acres or less intended for residential use.

LOT AREA -- The total area within the lot lines of a lot, excluding any road right-of-way or reservation.

LOT, CORNER -- A lot abutting upon two (2) or more roads at their intersection or upon two (2) parts of the same road forming an interior angle of less than one hundred thirty-five degrees (135°).

LOT FRONTAGE -- The length of the frontage.

LOT LINE -- A line of record bounding a lot which divides one lot from another lot or from any road right-of-way or from any other public space.

LOT LINE, FRONT -- The lot line separating a lot from a road right-of-way.

LOT LINE, REAR -- The lot line opposite and most distant from the front lot line; in the case of triangular or otherwise irregularly shaped lots, a line at least ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. In the case of corner and through lots, one (1) "rear lot line" shall be established.

LOT LINE, SIDE -- Any lot line other than a front or rear lot line.

LOT, MINIMUM AREA OF -- The smallest area established by this Part 1 on which a use, structure or building may be located in a particular district.

LOT, THROUGH -- A lot which fronts upon two (2) parallel roads or which fronts upon two (2) roads which do not intersect at the boundary of the lot and which has no rear lot line.

LOT WIDTH -- The horizontal distance between the lot lines along a straight line parallel to the front lot line at the minimum required building setback line.

LOW- AND MODERATE-INCOME HOUSING -- Housing which is categorized as for low- or moderate-income families by the United States Department of Housing and Urban Development or an appropriate state agency.

MAJOR ROAD PLAN [Added by Bill No. 88-66; repealed by Bill No. 94-6]

MARINA -- Any facility for the mooring, berthing, storing or securing of watercraft, but not including community piers and other noncommercial boat docking and storage facilities. [Added by Bill No. 88-21]

MASTER PLAN -- The Master Plan of the county adopted in accordance with Sections 701 and 702 of the Charter.

MEAN HIGH WATER LINE -- The average level of high tides at a given location along the shoreline. [Added by Bill No. 88-21]

MINI-WAREHOUSING -- A building or group of buildings that contains varying sizes of individual compartmentalized and controlled access stalls for the storage of customers' goods or wares. [Added by Bill No. 97-12]

MIXED USE CENTER – A mixture of office, retail, recreational, hotel and residential uses within a single structure or within multiple structures, but physically and functionally integrated. [Added by Bill 00-10]

MOBILE HOME PARK -- A parcel of land used, designed, developed and maintained to accommodate two (2) or more mobile homes for long-term residential occupancy by rental of space or condominium ownership.

MOBILE HOME SUBDIVISION -- A parcel of land subdivided into two (2) or more lots to accommodate two (2) or more mobile homes for residential occupancy.

MOTEL -- See "hotel."

MOTOR VEHICLE -- A self-propelled, free-moving vehicle with two (2) or more wheels primarily for conveyance on a road.

MOTOR VEHICLE RECREATION -- The use of land for vehicle competition involving automobiles, motorcycles, tractors, trucks or other self-propelled vehicles.

MULCH STORAGE AND SALES -- An operation for the storage of natural wood mulch for landscaping and other uses and for sale of the product, either wholesale or retail. Mulch storage and sales includes composting, but does not include the processing or grinding of mulch. [Added by Bill No. 93-84]

NATURAL HERITAGE AREA [Added by Bill No. 88-21] -- An area that has been designated by the Secretary of the Department of Natural Resources in accordance with COMAR 08.03.08 as a natural community which meets the following conditions:

- A. Contains one (1) or more threatened or endangered species or wildlife species in need of conservation;
- B. Is a unique blend of geological, hydrological, climatological or biological features; and
- C. Is considered to be among the best statewide examples of its kind.

NATURAL REGENERATION -- The natural establishment of trees and other vegetation of a density of at least four hundred (400) woody, free-to-grow seedlings per acre which are capable of growing to a height of at least twenty (20) feet at maturity. [Added by Bill No. 91-31]

NET TRACT AREA [Added by Bill No. 91-31; amended by Bill No. 93-11]:

- A. In the Ag Zoning District, the portion of the parcel for which land use will be changed or that will no longer be used primarily for agriculture, and in all other zoning districts, the total area of the parcel, to the nearest one-tenth acre.

B. "Net tract area" does not include the following areas:

- (1) Any unforested area within the floodplain district established under Chapter 131 of this Code;
- (2) Any right-of-way for:
 - (a) An overhead transmission line of a public utility; if the line is designed to carry a voltage in excess of 69,000 volts; or
 - (b) An underground pipeline used to transport natural gas or petroleum products, if the right-of-way averages at least 50 feet in width; or
- (3) Any area within the Chesapeake Bay Critical Area Overlay District established under § 267-41.1 of this chapter.

NONCOMPETITIVE RECREATIONAL AMUSEMENT CAR -- A miniature amusement car that is electronically controlled from a central location and is designed and used to carry 1 or 2 persons on a track at a recreational amusement facility and is not designed for use on a road. [Added by Bill No. 98-37]

NONCONFORMING BUILDING OR STRUCTURE -- A building or structure the size, dimension or location of which was lawful prior to the adoption or amendment of this Part 1 but which fails, by reason of adoption or amendment of this Part 1, to conform to the present requirements of the district.

NONCONFORMING LOT -- A lot which was legally subdivided and recorded among the county land records prior to adoption or amendment of this Part 1 and which, after adoption or amendment of this Part 1, fails to comply with the dimensional requirements of this Part 1.

NONCONFORMING USE -- A use which was lawful prior to adoption or amendment of this Part 1 but which fails, by reason of such adoption or amendment, to conform to the present requirements of the district in which it is located.

NONTIDAL WETLANDS [Added by Bill No. 85-12; amended by Bill No. 88-21] -- All palustrine aquatic bed, palustrine emergent, palustrine forested and palustrine scrub-shrub wetlands as defined by the United States Fish and Wildlife Service, except tidal wetlands regulated under Title 9 of the Natural Resources Article, Annotated Code of Maryland. These nontidal wetlands are lands where the water table is usually at or near the surface (i.e., periodically saturated) or areas where the substrate or soil is covered by shallow water at some time during the growing season. They are further characterized by one (1) or both of the following two (2) attributes:

- A. The land supports predominantly obligate or facultative-wet hydrophyte plant species cited in the Department of Natural Resources publication entitled "Vascular Plant Species Occurring in Maryland Wetlands."

B. The substrate is predominantly hydric soil.

NURSING HOME or SKILLED CARE FACILITY -- A facility devoted primarily to the long-term treatment and care of persons suffering from illnesses, diseases, deformities or injuries, who do not require extensive or intensive care such as normally provided in a general or other specialized hospital. [Amended by Bill No. 98-36]

OFFSETS -- Structures or actions that compensate for undesirable impacts. [Added by Bill No. 88-21]

OPEN SPACE -- Any area of land or water set aside, dedicated, designed or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space or for the preservation of significant/special natural features. [Amended by Bill No. 88-21]

OVERBURDEN STORAGE OR DISPOSAL -- Any residual soil, rock, mineral, scrap or other material displaced by the the extraction use. [Added by Bill No. 97-80]

OVERLAY ZONE -- Any specially mapped district, including the Agricultural Land Preservation District, the Chesapeake Bay Critical Area Overlay District, Floodplain District, Historic District and Natural Resources District, which is subject to supplementary regulations or requirements for development. [Amended by Bill No. 88-21]

PALUSTRINE WETLANDS -- All nontidal wetlands dominated by trees, shrubs, persistent emergent plants or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below one-half (½) part per one thousand (1,000) parts of water. [Added by Bill No. 88-21]

PANHANDLE LOT -- A lot with the appearance of a frying pan or flag and staff, in which the handle is most often used as the point of access to a road.

PARCEL -- Any contiguous area, site or portion of land under common ownership.

PARKING AREA -- An area, other than sales lots, designed for the parking of three (3) or more motor vehicles and available to the public, either for a fee or as an accommodation to clients or customers.

PERENNIAL STREAM [Added by Bill No. 91-31] -- A stream:

- A. Containing surface water throughout a year of average rainfall;
- B. That is shown on the most recent 7.5 Minute Topographic Quadrangle published by the United States Geologic Survey; and
- C. That has been confirmed to be a perennial stream through field verification.

PERMANENT FOUNDATION -- A foundation as required by the Harford County Building Code or the manufacturer's specifications, in the case of manufactured homes, to provide for complete enclosure with a material which is compatible with the structure.

PERSONAL-CARE BOARDING HOME -- Any premises which provides personal care to adults, for consideration, and provides these services to a minimum of three (3) adults not related to the provider or owner. [Added by Bill No. 86-11]

PERSONAL SERVICES -- Services rendered to an individual, including beauty and barber shops, clothing alterations, dance and music studios, diaper services, fur repair and storage services, interior decorating, laundromats, general dry cleaning, linen supply, photography studios, rug cleaning and repair services (in-home cleaning), shoe repair services and watch and jewelry repair services.

PLANNED RESIDENTIAL DEVELOPMENT -- A residential project which incorporates or combines reduced lot and area requirements with open space use of a substantial portion of the remaining land and is designed, developed and maintained in accordance with the special development regulations of this Part 1.

PRIMARY RESIDENTIAL ROAD [Added by Bill No. 98-36] - A major local road distributing and collecting traffic within larger residential subdivisions or neighborhoods, and performing the following:

- A. Provides direct access between minor residential roads and collectors and minimal direct driveway access to abutting properties.
- B. Distributes traffic generated within a neighborhood to collector roads.
- C. Carries a limited amount of through traffic.

PRIVATE HARVESTING -- The cutting and removal of trees for personal, noncommercial use. [Added by Bill No. 88-21]

PROFESSIONAL SERVICES -- Service by members of any profession, including but not limited to accountants, architects, chiropractors, dentists, doctors, engineers, lawyers, optometrists, osteopaths or social workers.

PROJECT APPROVAL -- The approval of development activities, other than developments undertaken by a state or local government agency, in the Chesapeake Bay Critical Area by the Harford County Department of Planning and Zoning or other approving agency of Harford County. The term includes approval of subdivision plans, plats and site plans; mapping of areas under floating zone or overlay zone provisions; the issuance of variances, special exceptions and conditional use permits; and the issuance of other zoning-related approvals. [Added by Bill No. 88-21]

PROVIDER -- Any person or persons who have primary responsibility for and who receive consideration for the operation of the home. [Added by Bill No. 86-11]

PUBLIC UTILITY -- A gas and electric company regulated by the Maryland Public Service Commission, a cable television company operating under a franchise granted by the County Council, or a telecommunications company. [Added by Bill No. 91-31]

PUBLIC UTILITY FACILITY -- A utility facility owned by a governmental agency or private organization, maintained and operated for benefit of the general public, but excluding highway maintenance facilities, sewage treatment plants, sewage pumping stations and solid waste transfer stations. [Amended by Bill Nos. 87-28; 97-12]

PUBLIC WATER-ORIENTED RECREATION -- Shore-dependent recreation facilities or activities provided by public agencies which are available to the general public. [Added by Bill No. 88-21]

RECLAMATION -- The reasonable rehabilitation of disturbed land for useful purposes, which provides protection to the natural resources found on or adjacent to the site, including water bodies. [Added by Bill No. 88-21]

RECREATIONAL VEHICLE -- A vehicular-type portable structure without a permanent foundation, which can be towed, hauled or driven and which is primarily designed as temporary living accommodation for recreational, camping and travel use, including travel trailers, truck campers, camping trailers and self-propelled motor homes.

REDEVELOPMENT -- Development activity on land that has already been developed. [Added by Bill No. 88-21]

REFORESTATION -- The reestablishment of forest cover through the planting of seedlings, small trees or shrubs or through natural regeneration. [Added by Bill No. 88-21]

REPAIR SHOP, AUTOMOTIVE -- Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of motor vehicles is conducted or rendered.

RESORT -- A facility for three (3) or more transients, which provides special recreational amenities or is designed for access to a unique natural amenity for the recreation or relaxation of the users and not primarily oriented to single-night lodging.

RESOURCE CONSERVATION AREAS [Added by Bill No. 88-21] -- Those areas characterized by nature-dominated environments (that is, wetlands, forests and abandoned fields) and resource-utilization activities (that is, agriculture, forestry, fisheries activities or aquaculture). Such areas shall have at least one (1) of the following features:

- A. Density is less than one (1) dwelling unit per five (5) acres.

- B. Dominant land use is in agriculture, wetland, forest, barren land, surface water or open space.

RIGHT-OF-WAY -- A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer and other similar uses.

ROAD -- A right-of-way which has been improved and is intended for motor vehicle traffic and provides the principal means of access to property.

ROAD, ARTERIAL -- A road which serves as a major trafficway and is identified in the Transportation Plan as an urban or rural as principal or minor arterial road. [Amended by Bill No. 88-66; 94-6]

ROAD, COLLECTOR -- A road which serves to carry traffic to or from local streets and connects them to other collector streets or to arterial highways and is identified in the Transportation Plan as either an urban collector road or rural major or minor collector road. [Amended by Bill No. 88-66; 94-6]

ROAD, LOCAL -- A road which collects and distributes traffic within subdivisions and provides direct access to individual land uses. "Local road" may include primary and minor residential roads, as well as business/industrial roads. [Amended by Bill No. 88-66]

RUBBLE LANDFILL -- A sanitary landfill required to be permitted as a rubble landfill under Title 26 of the Code of Maryland Regulations. [Added by Bill No. 91-10]

SANITARY LANDFILL -- A sanitary landfill, as defined in Chapter 109 of this Code, that is in the County Solid Waste Management Plan, as defined in Chapter 109 of this Code. "Sanitary landfill" includes a rubble landfill. [Amended by Bill No. 91-10]

SEEDLING -- An unbranched woody plant of less than 24 inches in height and less than ½ inch in diameter at a point 2 inches above the root collar. [Added by Bill No. 91-31]

SELECTIVE CLEARING -- The planned removal of trees, shrubs, and plants using specific standards and protection measures under an approved forest conservation plan. [Added by Bill No. 91-31]

SELECTIVE CUTTING -- The removal of single, scattered, mature trees or other trees from forested areas by periodic cutting operations. [Added by Bill No. 88-21]

SETBACK -- A line which is a required minimum distance from the road right-of-way or any lot line that establishes the area within which principal buildings or structures must be erected or placed.

SHOPPERS' MERCHANDISE -- Commodities which tend to be purchased on a comparison basis, including apparel and accessories, automobile supplies, business equipment sales and

service, china and glassware, commercial art, communications equipment sales and service, draperies, fabrics and reupholstery, floor coverings, furniture, hardware, home appliances and furnishings, luggage and leather goods, musical instruments and supplies, paint and wall coverings, party supplies, photographic equipment sales and service, radios, records and tapes, secondhand merchandise, sporting goods, television and stereo sales and service and toy and game shops. Establishments commonly referred to as "catalog showrooms," "department stores," "discount stores," "variety stores" and "supermarkets" shall be regulated as "shoppers' merchandise."

SHOPPING CENTER -- A concentrated grouping of retail uses or retail and services uses designed, developed and managed as an integral entity, providing common vehicle access and group parking. [Amended by Bill No. 87-38]

SHOPPING CENTER, INTEGRATED COMMUNITY [Added by Bill No. 87-38] -- A shopping center which contains:

- A. Six (6) or more retail uses;
- B. Six (6) or more retail and service uses; or
- C. A gross floor area of more than twenty thousand (20,000) square feet.

SIGNIFICANTLY ERODING AREAS -- Those shoreline areas eroding two (2) feet or more per year. [Added by Bill No. 88-21]

SOILS WITH SIGNIFICANT DEVELOPMENT CONSTRAINTS -- Highly erodible soils, hydric soils less than forty thousand (40,000) square feet in extent, soils with hydric inclusions and soils with severe septic constraints. See Table XVI, Soil Types in Harford County Critical Area With Development Constraints, § 267-41.1D. [Added by Bill No. 88-21]

SPECIAL DEVELOPMENT REGULATIONS -- The provisions of this Part 1 which apply to the following types of development: conventional development with open space (COS), planned residential development (PRD), integrated community shopping center (ICSC), mobile home developments (MHD) and flexible design development (FDD), conservation development standards (CDS), continuing care retirement community (CCRC) and housing for the elderly. [Amended by Bill Nos. 96-60; 98-36]

SPECIAL EXCEPTION -- A use which may be permitted by the Board in a particular district only upon a showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in this Part 1.

SPECIALTY SHOP -- A retail store which carries only one (1) type of interrelated goods, including bookstores, candle shops, cosmetic shops, florist shops, gift shops, hobby and craft supply shops, import shops, jewelry shops, key shops, newspaper and magazine shops, novelty shops, pet shops, photographic shops, souvenir shops, stationery shops, tack shops, tobacco shops and wine and cheese shops.

STABLE, PRIVATE -- An accessory structure to the principal residential use that shelters horses for the exclusive use of the residents of the premises.

STORY -- That portion of a building between the surface of any floor and the surface of the floor next above it, if there is no floor above it, then the space between the floor and the ceiling next above it, including basements. [Amended by Bill No. 88-62]

STREET -- See "road."

STRUCTURE -- A combination of materials to form a construction for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water.

TEMPORARY USE -- A use permitted for a fixed period of time as specified in this Part 1 with the intent to discontinue such use upon the expiration of a period of time, or a use which occurs on a periodic basis and is not continuous.

TENANT HOUSE -- A dwelling unit located on agricultural property that is used either for occupancy by immediate members of the family owning or operating the agricultural use or by employees engaged in agricultural activities on the property.

THREATENED OR ENDANGERED SPECIES or SPECIES IN NEED OF CONSERVATION -- A plant or wildlife species designated by the State Department of Natural Resources in accordance with COMAR 08.03.08 as worthy of protection because of its rare or unusual occurrence in the State of Maryland. [Added by Bill No. 88-21]

TIDAL WETLANDS -- Any land bordering on or lying beneath tidal waters, which is subject to regular or periodic tidal action and supports aquatic growth, including but not limited to lands identified as "tidal wetlands" on the most current Department of Natural Resources Tidal Wetlands Boundaries Maps. [Added by Bill No. 85-12; amended by Bill No. 88-21]

TRANSPORTATION PLAN -- An element of the Harford County Master Plan which identifies future roads, major road improvements, designates arterial collector and local roads and identifies possible public transportation enhancements, the feasibility of a public airpark and bicycle routes. [Added by Bill No. 94-6]

TREE -- A large, woody plant with at least one (1) self-supporting trunk and numerous branches capable of growing to a height of at least twenty (20) feet at maturity. [Added by Bill No. 91-31]

TRIBUTARY STREAMS -- Those perennial and intermittent streams as mapped on the most recent United States Geological Survey 7½ Minute Topographic Quadrangle Maps [scale: one to twenty-four thousand (1:24,000)], the Harford County Soil Survey or as may be identified through site inspection. [Added by Bill No. 88-21]

ULTIMATE PEAK GRAVITY FLOW -- The average flow of the entire drainage area, assuming complete build-out of the development envelope using existing zoning densities, peaked in

accordance with the Maryland Department of the Environment design guidelines for sewerage facilities peaking curve, or using actual measured peak flow factors, whichever is higher. [Added by Bill No. 93-24]

URBAN FORESTRY -- A specialized branch of forestry concerned with the management, protection, and conservation of forest, trees, and other woody vegetation in urban and semi-urban areas. [Added by Bill No. 91-31]

USE -- The purpose or activity for which land, buildings or structures are designed, arranged or intended or for which land, buildings or structures are occupied or maintained.

USE, BUSINESS -- Any use listed on Table I, Principal Permitted Uses, under the categories of amusements, motor vehicle and related services, retail trade, services or transportation, communications and utilities (TCU). [Amended by Bill No. 91-31]

USE, INDUSTRIAL -- Any use listed on Table I, Principal Permitted Uses, under the categories of industrial uses or warehousing, wholesaling and processing. [Amended by Bill No. 91-31]

USE, INSTITUTIONAL -- Any use listed on Table I, Principal Permitted Uses, under the category of institutional uses. [Amended by Bill No. 91-31]

USE, NON-RESIDENTIAL -- Any dwelling unit or use listed on Table I, Principal Permitted Uses, under the category of business, industrial, institutional, transient housing, or natural resources uses with the exception of agriculture, forestry or wildlife refuge uses. [Added by Bill No. 93-24]

USE, PRINCIPAL -- The primary or predominate use of any lot.

USE, RESIDENTIAL -- Any dwelling unit or use listed on Table I, Principal Permitted Uses, under the category of residential uses. EN [Amended by Bill No. 93-24]

UTILITY TRANSMISSION FACILITIES -- Fixed structures that convey or distribute resources, wastes or both, including but not limited to electric lines, water conduits and sewer lines. [Added by Bill No. 88-21]

VARIANCE -- A departure from the terms of this Part 1 authorized pursuant to the provisions of this Part 1.

VETERINARY PRACTICE, LARGE ANIMALS -- A facility wherein a doctor of veterinary medicine treats animals that are not domestic animals and of a general matured weight in excess of 50 pounds. [Added by Bill No. 99-59]

WASH PLANT -- A facility where sand and gravel is washed during processing. [Added by Bill No. 88-21]

WATERFOWL STAGING AND CONCENTRATION AREA -- An area of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season. [Added by Bill No. 88-21]

WHIP -- An unbranched woody plant with a height of twenty-four (24) inches or more and a diameter of less than one (1) inch at a point two (2) inches above the root collar. [Added by Bill No. 91-31]

WILDLIFE CORRIDOR -- A strip of land having vegetation that provides habitat and a safe passageway for wildlife across a site. [Added by Bill No. 88-21]

YARD -- An open area between a lot line and the setback line within which no structures shall be located, except as provided by this Part 1.

YARD, CLUSTER TOWNHOUSE -- A cluster townhouse will have no front yard. All side yards shall be measured from that point which is parallel to the rear of the unit. Rear yards shall be defined per the definition of "yard, rear" of this section. [Added by Bill No. 87-22]

YARD, FRONT -- A yard extending the full width of the lot, which includes the area between the front building setback line and the road right-of-way.

YARD, MULTIPLEX -- A multiplex front yard based on the architectural orientation of the units. Interior units will have front and rear yards. End units will have a front yard and a side yard but no rear yard. [Added by Bill No. 86-17]

YARD, REAR -- A yard extending across the full width of the lot between the rear building setback line and the rear lot line.

YARD, SIDE -- A yard extending from the front yard to the rear yard between the side building setback line and the side lot line.

ZONING CASE -- Any matter brought before the Board under the provisions of this Part 1.

ZONING CERTIFICATE -- An approval issued by the Zoning Administrator pursuant to § 267-8 of this Part 1.

ZONING DISTRICT or DISTRICT -- An area within the county within which certain zoning regulations apply.

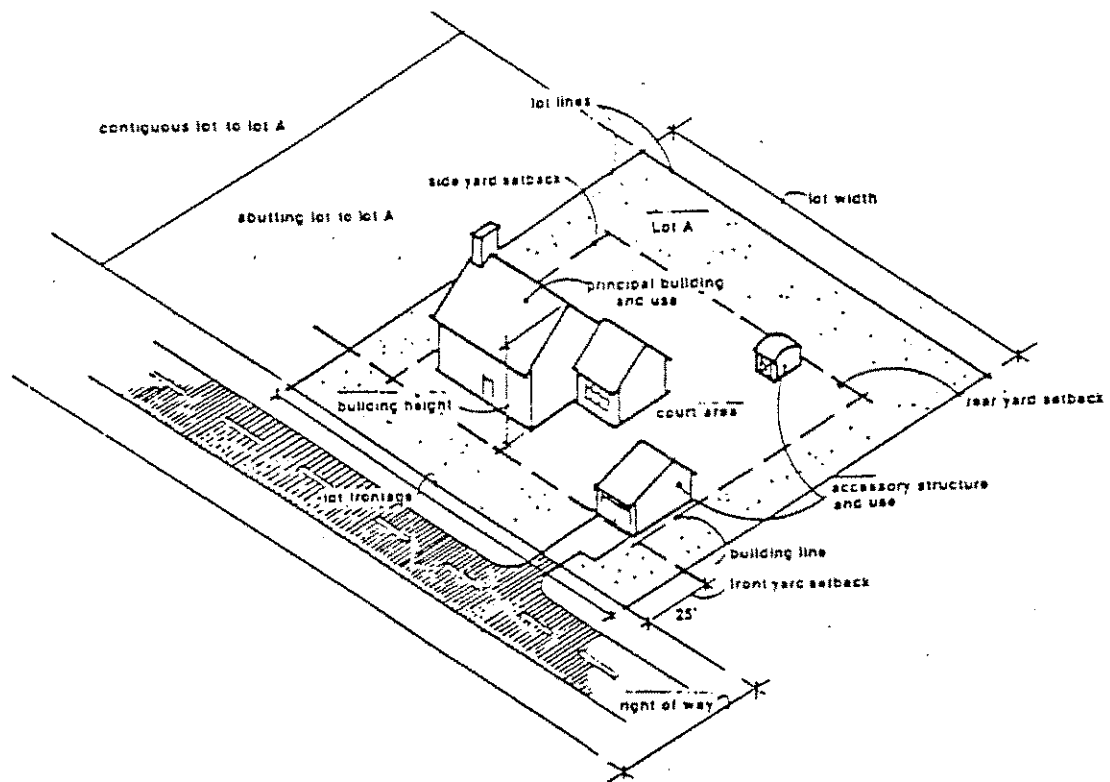


Illustration of terms commonly used in this Code

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§ 267-5. Applicability.

This Part 1 shall apply to all lands, structures, buildings, properties and their uses within the territorial limits of the county, including land owned or leased by the county, and outside the incorporated towns or municipalities therein and to all owners of land and the tenants or occupants thereof, including land owned by municipal corporations, counties and state and local governments.

§ 267-6. Construal of provisions; word usage.

A. The terms and provisions of this Part 1 shall be liberally construed to effectuate the general purposes of the Part 1 as set forth in § 267-3. In addition to rules applicable generally to the construction of zoning ordinances and codes and the interpretation requirements of the Harford County Code, the following rules of construction shall apply to the text of this Part 1:

- (1) The particular shall control the general.
- (2) In case of conflict between the text of this Part 1 and any caption, illustration, summary table or illustrative table, the text shall control.
- (3) The phrase "used for" includes arranged for, designed for, intended for, maintained for or occupied for.
- (4) The word "person" includes an individual, sole proprietorship, corporation, partnership or incorporated association and any recognized legal entity.
- (5) Unless it is plainly evident from the context that a different meaning is intended, in a regulation which involves two (2) or more items, conditions, provisions or events connected by the conjunction "and ... or" or "either ... or," the use of the conjunction is defined as follows:
 - (a) "And" means that all the connected items, conditions, provisions and events apply together and not separately.
 - (b) "Or" means that the connected items, conditions, provisions or events shall apply separately or in any combination.
 - (c) "Either ... or" means that the connected items, conditions, provisions or events shall apply separately but not in combination.
- (6) The word "includes" or "including" does not limit a term to the specified examples but is intended to extend the term's meaning to all other instances or circumstances of similar kind or character.

- (7) When a term is defined in the County Subdivision Regulations or the County Building Code, as noted in this Part 1, it shall have the meanings specified in the Subdivision Regulations or Building Code unless specifically defined in this Part 1.
 - (8) The word "county" means Harford County, Maryland. The word "state" means the State of Maryland. The term "Charter" refers to the Harford County Charter, approved by the voters of the county, and all amendments thereto.
 - (9) The terms "County Council," "Board of Appeals," "Director of Planning," "Planning Advisory Board," "County Attorney," "Zoning Administrator," "Health Officer" and "Sediment Control Inspector" mean the respective Council, Boards, officers and department heads of the county.
 - (10) Throughout this Part 1, all words, other than the terms specifically defined herein, shall have the meanings inferred from their context in this Part 1 and their commonly accepted definitions.
- B. The provisions of this Part 1 shall be held to be minimum requirements. Where this Part 1 imposed a greater restriction than is imposed or required by other provisions of law or other rules, regulations, ordinances or by private restrictions, the provisions of this Part 1 shall control.
 - C. Notwithstanding the provisions of this Part 1, any development shall be subject to the provisions of the Subdivision Regulations, and any other activity requiring the issuance of a permit, license, grant or approval shall be subject to the applicable law.
 - D. The purpose clauses noted herein are for guidance only. In the event that any purpose clause conflicts with the specific provisions of this Part 1, the specific provisions shall control.

ARTICLE II

Administration and Enforcement

§ 267-7. Zoning Administrator.

- A. The office of Zoning Administrator is hereby established. The Director of Planning shall be the Zoning Administrator.
- B. The Zoning Administrator or his duly authorized designee shall be vested and charged with the power and duty to:
 - (1) Receive and review complete applications under the provisions of this Part 1 for transmittal and recommendation to the Board.

- (2) Issue zoning certificates pursuant to the provisions of this Part 1 and suspend or revoke any zoning certificate upon violation of any of the provisions of this Part 1 or any approvals granted hereunder subject to the requirements of this Part 1.
 - (3) Conduct inspections and surveys to determine whether a violation of this Part 1 exists.
 - (4) Seek criminal or civil enforcement for any provision of this Part 1 and take any action on behalf of the county, either at law or in equity, to prevent or abate any violation or potential violation of this Part 1.
 - (5) [Amended by Bill No. 94-64] Render interpretations upon written request of an interested person whose property may be affected as to the applicability of this Part 1 to particular uses and its application to the factual circumstances presented.
 - (a) Within 14 calendar days after a request for an interpretation is received, the Zoning Administrator shall:
 - [1] Ensure that a notice of the request is sent by first class mail to each owner of property which adjoins the property involved;
 - [2] Ensure that the property that is the subject of the request is posted conspicuously with a notice stating the Department's telephone number, that the request has been received, the date by which the interpretation must be issued, and that further information may be obtained from the Department.
 - (b) The Zoning Administrator shall issue an interpretation within 60 calendar days after receiving the request for the interpretation. Within 5 calendar days after issuing the interpretation, the Zoning Administrator shall send a copy of the interpretation to each owner of property which adjoins the property involved, and shall include a notice that the interpretation may be appealed in accordance with Subsection E of this section.
 - (6) Design and distribute applications and forms required by this Part 1, requesting information which is pertinent to the requested approval.
 - (7) Perform such duties as are necessary for the proper enforcement and administration of this Part 1.
- C. The Zoning Administrator and his duly authorized agents shall have the right to enter and inspect, with the permission of the owner or occupant, any structure or land in order to verify that the structure or land complies with the provisions of this Part 1. Should the owner or occupant deny such entry, the Zoning Administrator may seek relief from a court of competent jurisdiction to permit such right.

- D. Any person may file a complaint with the Zoning Administrator alleging a violation of this Part 1. The Zoning Administrator shall investigate and determine as a matter of fact whether a violation has occurred.
- E. Any decision of the Zoning Administrator shall be in writing and shall be subject to appeal to the Board by any aggrieved person within twenty (20) days of the date of the decision. [Amended by Bill No. 94-64]

§ 267-8. Zoning certificates.

- A. It shall be unlawful for any owner, tenant, licensee or occupant to initiate development of, change the use of or commence a new use of any lot or structure, except agricultural uses or structures, in whole or in part, without first obtaining a zoning certificate issued by the Zoning Administrator in accordance with the provisions of this Part 1. Zoning certificates shall be required for such accessory and temporary uses as are enumerated in this Part 1. All applications for zoning certificates shall be made in writing by the owner or his agent or the contract purchaser of the property for which the certificate is sought. Zoning certificates shall not be required for uses lawfully in existence as of the effective date of this Part 1.
- B. An approved and duly issued zoning certificate shall indicate that the building or premises or part thereof and the proposed use or modification thereof described in the zoning certificate are in conformity with the provisions of this Part 1.
- C. Upon written request from an owner, tenant or contract purchaser, the Zoning Administrator shall issue a zoning certificate for any building or lot lawfully existing at the time of the enactment of this Part 1, certifying the extent and nature of the use made of the lot or building and whether such use conforms to the provisions of this Part 1.
- D. Every application for a zoning certificate shall:
 - (1) Be accompanied by plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part.
 - (2) Indicate the exact location, size and height of any building or structure to be erected or altered.
 - (3) Indicate the existing and intended use of each building or structure or part thereof.
 - (4) Indicate the number of families or housekeeping units the building is designed to accommodate and, when no buildings are involved, the location of the present use.
 - (5) Indicate the proposed use of the lot.
 - (6) Provide such other information as may be reasonably required by the Zoning Administrator.

- E. The Zoning Administrator also has the authority to require that detailed site plans for non-residential or multi-family residential developments be submitted for review and approval prior to zoning certificate application. Such review may require a processing through the Development Advisory Committee established in Section 5.03(A) of the Subdivision Regulations. [Added by Bill No. 93-25]
- F. Any zoning certificate shall be revocable upon written order of the Zoning Administrator in the event of a failure to comply with the requirements and conditions of this Part 1 or the specific grant, order or approval applicable thereto. Such revocation shall not be effective until after:
 - (1) Notice, by certified mail, of such proposed revocation has been provided to the holder of the certificate.
 - (2) A hearing has been held by the Zoning Administrator not less than ten (10) nor more than thirty (30) days from the date of the forwarding of such notice.
 - (3) A final decision has been rendered within ten (10) days of the completion of the hearing.
- G. Any certificate issued on the basis of fraud, mistake or misrepresentation shall be subject to revocation.
- H. Zoning certificates issued on the basis of approved site plans and applications authorize only the use, arrangement and development set forth in such applications and plans and no other use, arrangement or development. Use, arrangement or development substantially differing from that authorized is a violation of this Part 1 and shall be a basis for revocation of the zoning certificate.
- I. No application shall be accepted by the Zoning Administrator until it has been completed and until all fees established by the county for processing the same have been paid in full.
- J. Notwithstanding anything contained to the contrary herein, a zoning certificate shall be required for all uses provided for in Sections 267-34D(9) and 267-43F. [Added by Bill No. 99-59]

§ 267-9. Board of Appeals. [Amended by Bill Nos. 82-54; 83-56]

- A. Establishment. In compliance with the provisions of the Charter, the Board of Appeals is continued. The County Council is hereby designated as the Board of Appeals. The President of the County Council or, in his absence, the Vice President shall act as Chairman of the Board. Hearings before the Board shall be open to the public and quasi-judicial in nature.

- B. Powers and duties. The Board shall be vested and charged with all the powers and duties created by this Part 1, including but not limited to the power and duty to:
- (1) Hear and decide any zoning case brought before the Board and to impose such conditions or limitations as may be necessary to protect the public health, safety and welfare.
 - (2) Adopt rules and regulations governing procedure before the Board consistent with the Charter and this Part 1.
 - (3) Perform any act, issue any order or adopt any procedure consistent with law applicable to administrative agencies in general and the provisions of this Part 1.
- C. Hearing Examiners. The Board may employ Hearing Examiners to hear zoning cases within the jurisdiction of the Board pursuant to procedural rules adopted by the Board. The Hearing Examiner shall have the authority, duty and responsibility to render recommendations in all cases, subject to final approval of the Board. Such recommendations shall be consistent with the requirements of Subsection H, Decision of the Board.
- D. Filings. Applications for variances, interpretations, special exceptions, special developments and reclassification shall be filed with the Zoning Administrator by the property owner, authorized agent or contract purchaser. Appeals from the decision of the Zoning Administrator shall be filed with the Zoning Administrator by the property owner, authorized agent or any person aggrieved.
- E. Hearings. Proceedings before the Hearing Examiner and the Board shall be quasi-judicial in nature and conducted in accordance with the rules of procedure of the Board in such a manner as to afford the parties due process of law.
- F. Recommendation of the Hearing Examiner. The recommendation of the Hearing Examiner shall be deemed to be adopted by the Board, unless final argument is requested within twenty (20) days from the date of the written recommendation.
- G. Request for final argument. A request for final argument before the Board may be filed by any Board member, the applicant, the People's Counsel or a person aggrieved who registered as a party to the proceedings before the Hearing Examiner. The People's Counsel, provided that the People's Counsel was a party to the proceedings, shall be deemed to be a person aggrieved and shall have standing to request final argument. Upon filing a request for final argument, the Board shall notify all parties to the proceeding.
- H. Decision of the Board. The decision of the Board shall be in writing and shall specify findings of fact and conclusions of law. The Board may affirm, reverse, modify or remand the Hearing Examiner's recommendation. In reviewing the recommendation of the Hearing Examiner, the Board shall give consideration to the opportunity of the Hearing Examiner to see and hear the witnesses and to judge their credibility. The Board may specify the

circumstances under which additional evidence can be accepted by the Hearing Examiner and may remand the case for determination of limited issues. Decisions of the Board shall be subject to appeal in accordance with the Charter.

- I. Limitations, guides and standards. In addition to the specific standards, guidelines and criteria described in this Part 1 and other relevant considerations, the Board shall be guided by the following general considerations. Notwithstanding any of the provisions of this Part 1, the Board shall not approve an application if it finds that the proposed building, addition, extension of building or use, use or change of use would adversely affect the public health, safety and general welfare or would result in dangerous traffic conditions or jeopardize the lives or property of people living in the neighborhood. The Board may impose conditions or limitations on any approval, including the posting of performance guaranties, with regard to any of the following:
 - (1) The number of persons living or working in the immediate area.
 - (2) Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.
 - (3) The orderly growth of the neighborhood and community and the fiscal impact on the county.
 - (4) The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.
 - (5) Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.
 - (6) The degree to which the development is consistent with generally accepted engineering and planning principles and practices.
 - (7) The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.
 - (8) The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.
 - (9) The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.
 - (10) The preservation of cultural and historic landmarks.
- J. Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board that, by reason of facts stated

in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order of the Board or a court of competent jurisdiction, on application after notice to the Zoning Administrator and on good cause shown.

K. Application disapproved. [Amended by Bill No. 88-77]

(1) Failure to pay costs.

(a) Except as provided in Subsection K(2) of this section, and except as provided in § 267-11C, if the application is disapproved by the Board or is dismissed for failure of the applicant to pay costs, the Board shall take no further action on another application for substantially the same relief until after one (1) year from the date of such disapproval or dismissal or any final decision by a court of competent jurisdiction, whichever shall last occur.

(b) Dismissal for failure to pay costs shall be without prejudice.

(c) If an appeal to the Board is perfected and the public hearing date set by the posting of the property and thereafter the applicant withdraws the appeal, the applicant shall be precluded from filing another application for substantially the same relief for six (6) months from date of withdrawal.

(2) Subsection K(1)(a) of this section does not apply to an application that is denied pursuant to § A274-5B(3)(c) of the Board's rules of procedure for zoning applications, as codified in the Appendix to this Code. An application denied pursuant to that section is denied without prejudice and may be refiled at any time.

L. Any person, firm or corporation who fails to comply with the requirements or conditions imposed by the Board of Appeals shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than five hundred dollars (\$500.) for each offense. Each day of a continuing violation shall be considered a separate misdemeanor.

§ 267-10. Interpretation of Zoning Map. [Amended by Bill No. 82-54; 84-38 and 05-36]

The Board, upon application therefor, after notice to the owners of the properties affected and public hearing, may render interpretation of the boundaries of a zoning district by:

- A. Determination of location: determining the location of a road or lot layout actually on the ground or as recorded in comparison to the road and lot lines as shown on the Zoning Maps.
- B. Map errors: permitting adjustment of any boundary line to conform to the intent of the comprehensive rezoning and that said adjustment is necessary to rectify a map-drafting error which occurred during the comprehensive rezoning process.

§ 267-11. Variances.

- A. [Amended by Bill No. 94-62] Except as provided in Section 267-41.1.H, variances from the provisions or requirements of this Part 1 may be granted if the Board finds that:
- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.
 - (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.
- B. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the state applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.
- C. If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after two (2) years from the date of such disapproval.

§ 267-12. Zoning reclassifications. [Amended by Bill Nos. 84-38; 95-85]

- A. Application initiated by property owner.
- (1) Any application for a zoning reclassification by a property owner shall be submitted to the Zoning Administrator and shall include:
 - (a) The location and size of the property.
 - (b) A title reference or a description by metes and bounds, courses and distance.
 - (c) The present zoning classification and the classification proposed by the applicant.
 - (d) The names and addresses of all persons, organizations, corporations or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.

- (e) A statement of the grounds for the application, including:
 - [1] A statement as to whether there is an allegation of mistake as to the existing zoning and, if so, the nature of the mistake and facts relied upon to support this allegation.
 - [2] A statement as to whether there is an allegation of substantial change in the character of the neighborhood and, if so, a precise description of such alleged substantial change.
- (f) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.
- (2) Concept plan. A concept plan shall be submitted by the applicant at the time the application is filed. The concept plan shall illustrate the proposed general nature and distribution of land uses but need not include engineered drawings.

B. Application initiated by Zoning Administrator.

- (1) Request by property owner. A property owner of record prior to September 1, 1982, may request the Zoning Administrator to submit an application to the Board of Appeals for a zoning reclassification based on any of the criteria outlined in Subsection B(4) below. Such request shall contain a concise statement of facts providing a history of the use of the subject property, including references, if any, to prior Board of Appeals decisions pertaining to the property, and shall indicate reliance on Subsection B(4)(a), (b) or (c) hereinbelow.
- (2) Investigation by Zoning Administrator. Within twenty (20) working days of receipt of such request, the Zoning Administrator shall investigate the same. The investigation shall include the following:
 - (a) Review of comprehensive rezoning files.
 - (b) Review of comprehensive rezoning maps.
 - (c) Review of comprehensive rezoning summary sheets.
 - (d) Review of any other relevant documents.
 - (e) Consultation with area planners.

- (3) Determination by Zoning Administrator. If the determination of the Zoning Administrator affirms the statements contained in the property owner's request, then the Zoning Administrator shall prepare and submit an application for a zoning reclassification to the Board of Appeals based on Subsection B(4)(a), (b) or (c) below. In such event, all filing fees shall be paid by Harford County. A denial by the Zoning Administrator of the property owner's request shall be in writing and may be appealed by the property owner to the Board of Appeals within twenty (20) days of the date of such denial. All filing fees required for the appeal shall be paid by the property owner. In the event that the Board of Appeals reverses the decision of the Zoning Administrator, then the filing fees for the appeal shall be reimbursed by Harford County. The denial of the property owner's request by the Zoning Administrator or the failure of the property owner to file an appeal shall not preclude the property owner from filing an application for rezoning at any time.
- (4) The criteria for reclassification are as follows:
 - (a) Harford County did not take notice, during the comprehensive rezoning, of the existence of a legal use on the property prior to recommending a zoning classification which would limit the existing use or uses on the property. In such event, the Board of Appeals may grant a reclassification of the property so as to restore the property to a zoning classification most consistent with the use or uses prior to the comprehensive rezoning change;
 - (b) Harford County failed to take notice of a Board of Appeals decision rezoning the property, which zoning classification changed as a result of comprehensive rezoning. In such event, the Board of Appeals may grant a reclassification of the property to the zoning classification most consistent with that zoning classification granted earlier by the Board of Appeals; or
 - (c) Harford County failed to notify the property owner where a use legally in existence or a permitted use on the property was limited as a result of the comprehensive rezoning. In such event, the Board of Appeals may grant a reclassification of the property so as to restore the property to a zoning classification most consistent with the prior legal use or a prior permitted use.
- (5) Sunset provision. This Subsection B shall expire two (2) years from the date of enactment.

§ 267-13. Comprehensive zoning review. [Amended by Bill Nos. 88-26; 94-41]

A. Periodic review required.

- (1) Commencing with the first legislative session in September 1987 and every 8 years thereafter, the Director of Planning shall submit to the County Council a written

report and recommendations to initiate a comprehensive zoning review for all or part of the county.

- (2) A Comprehensive zoning review may be initiated at any other time by order of the County Executive or by legislative act of the County Council.

B. Preparation.

- (1) The Director of Planning shall prepare revisions to the Zoning Maps and regulations in a comprehensive manner for consideration and adoption by the Council. The proposed revisions shall be compatible with all elements of the Master Plan as adopted by the Council.
- (2) After preparing the revisions, the Director of Planning shall submit them to the Planning Advisory Board for its review and comment.

C. Application. An owner of property may request a zoning change for the property during comprehensive zoning review by applying to the Department of Planning and Zoning at a time and in a form to be designated by the Director of Planning. The Department shall not accept any additional requests after the deadline established by the Director. Each application shall be considered by the Director of Planning in the comprehensive zoning review process. If the Department recommends a change in the zoning for a property when the property owner has not requested a change, the Department shall give written notice of the recommendation to the owner and to each owner of property which abuts the property for which the change has been requested. The notice shall be mailed at least 30 calendar days before the public hearing conducted on the Director's final report by the Council.

D. Council action.

- (1) After review by the Planning Advisory Board, the County Executive shall submit to the Council the comprehensive revisions and amendments to the Zoning Maps and regulations contained in the final report of the Director of Planning. The Council shall conduct a public hearing, giving public notice, which shall be published once a week for 2 consecutive weeks in at least 2 newspapers of general circulation in the county. During the period of Council review, the final report of the Director of Planning, containing the provisions and amendments to the Zoning Maps and regulations, together with the comments of the Planning Advisory Board, shall be on public display in the County Office Building and in a public facility located in each Council District.
- (2) At least 21 calendar days before the public hearing conducted by the Council, the Director of Planning shall ensure that each property for which the property owner has requested a zoning change is posted with a notice stating the date, time, and location of the hearing and the telephone number of the Department. The notice shall be on a sign measuring at least 22 inches by 28 inches, with black lettering, and shall be placed conspicuously on the property near the right-of-way line of each public

road on which the property fronts. The Department may assess the applicant a fee not exceeding \$100 or the actual cost, whichever is less, for the posting. Following the posting, the property owner shall use reasonable efforts to maintain the notice in a condition visible to the public until the hearing date.

- (3) Any changes to the report of the Director of Planning shall be voted upon by the Council as individual issues. A property owner shall submit justification for any request made to the Council for a change in zoning for a property that has not been submitted to the Department on or before the deadline established under Subsection C of this section.

E. Suspension of zoning reclassification.

- (1) Notwithstanding any provisions of this Code, during the period of preparation and review of proposed comprehensive revisions or amendments to the Zoning Maps, no applications for zoning reclassification shall be accepted by the county, except as provided in Subsection C of this section, and such a request shall be considered in the preparation or modification of the proposed comprehensive revisions or amendments to the Zoning Maps.
- (2) The hearing examiner shall complete public hearings and issue a decision for each existing zoning reclassification application as soon as practicable. The Director of Planning shall review each such application as a part of the comprehensive zoning review process as if the application had been filed pursuant to Subsection C of this section.
- (3) No zoning reclassification of property shall, for a period of 1 year after the adoption, by Bill, of the comprehensive zoning maps applicable thereof, be granted by the County Council, sitting as the Board of Appeals, on the ground that the character of the neighborhood has changed.

§ 267-14. Violations and penalties.

- A. Whenever the provisions of this Part 1 have been violated, the Zoning Administrator shall give notice, by first class mail, to the owner and occupant of the property alleged to be in violation, stating the nature of the violation and ordering that any unlawful activity be abated.
- B. Any owner, tenant or occupant who uses or permits the use of land, buildings or structures contrary to the provisions of this Part 1 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.) for each offense. Each day of a continuing violation shall be considered a separate misdemeanor.
- C. The county may recover damages in a civil action for violation of this Part 1 and may adopt procedures for the imposition of civil penalties as authorized by state law.

- D. In the event of a violation of any of the provisions of this Part 1 or any amendment or supplement thereto, the Zoning Administrator, any adjacent or neighboring property owner or any person who would be specially damaged by such violation, in addition to other remedies provided by law, may institute a suit for injunction, mandamus, abatement or other appropriate action or other proceeding to prevent, restrain, correct or abate such unlawful activity or use.

ARTICLE III

Districts Established; Boundaries

§ 267-15. Establishment of zoning districts.

The zoning districts enumerated in this Part 1 are hereby established for the county.

§ 267-16. Official Zoning Maps.

Zoning districts established by this Part 1 are bounded and defined as designated on the Official Zoning Maps and subsequent modifications thereto. Said Zoning Maps, properly attested, and maps indicating the effects of zoning cases conducted hereunder shall be and remain on file in the office of the Zoning Administrator and in the office of the Clerk of the Circuit Court of the county. The Zoning Administrator shall maintain maps showing the result of any zoning case approved pursuant to this Part 1.

§ 267-17. Interpretation of boundaries.

The following rules shall be used to determine the precise location of any zoning district boundary:

- A. Boundaries shown as following or approximately following the limits of any municipal corporation shall be construed as following such limits.
- B. Boundaries shown as following or approximately following streets shall be construed to follow the center lines of such streets.
- C. Boundaries shown as following or approximately following platted lot lines or other property lines as shown on the Tax Maps shall be construed as following such lines.
- D. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
- E. Boundaries shown as following or approximately following shorelines of any water body shall be construed to follow the mean high-water lines of such water body and, in the event of change in the mean high-water line, shall be construed as moving with the actual mean high-water line.
- F. Boundaries shown as following or approximately following the center lines of streams, rivers or other continuously flowing watercourses shall be construed as following the channel center line of such watercourses taken at mean low water, and, in the event of a natural change in the location of such streams, rivers or other watercourses, the boundaries shall be construed as moving with the channel center line.

- G. Boundaries shown as separated from and parallel or approximately parallel to any of the features listed in Subsections A through F above shall be construed to be parallel to such features and at such distances therefrom as are shown on the Map.
- H. Whenever any road, alley or other public way is vacated by official action as provided by law, the zoning districts adjoining the side of such right-of-way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way of the public way thus vacated, which shall thenceforth be subject to all regulations of the extended district.

ARTICLE IV

Nonconforming Lots, Buildings, Structures and Uses

[Amended by Bill No. 84-14]

§ 267-18. General provisions.

If, within the zoning districts established by this Part 1 or amendments subsequently adopted, there exist lots, buildings, structures or uses of land which were lawful prior to enactment of this Part 1 or subsequent amendments and which would not conform to regulations and restrictions under the terms of this Part 1 or amendments thereto or which could not be built or used under this Part 1, such nonconformities may continue to exist subject to the regulations contained in this Article.

§ 267-19. Nonconforming lots.

- A. In any district, a principal use and customary accessory buildings, where permitted, may be erected on any nonconforming lot, provided that all of the following conditions are met:
 - (1) The front, side and rear yards shall conform to the regulations applicable at the time the lot was recorded, unless otherwise specified. [Amended by Bill No. 84-55]
 - (2) If the lot lacks the required road frontage as set forth in this Part 1, then the lot shall have an unrestricted right of access to a public road.
- B. Any lot reduced in area or yard dimensions failing to conform to the requirements of this Part 1, by reason of a realignment or dedication of any public road or by reason of a condemnation proceeding, shall be a nonconforming lot. This provision shall not apply to roads created as part of a subdivision.
- C. [Added by Bill No. 84-55] For lots existing as of December 5, 1957, the following shall apply: In any district where dwellings are permitted, a single-family dwelling may be located on any nonconforming lot or plot of official record as of December 5, 1957, irrespective of its area or width or the width of the road on which it fronts, subject to the following requirements:

- (1) The sum of the side yard widths of any such lot or plot shall be thirty percent (30%) of the width of the lot, but in no case shall any one (1) side yard be less than ten percent (10%) of the width of the lot.
- (2) The depth of the rear yard of any such lot shall be twenty percent (20%) of the depth of the lot, but in no case shall it be less than ten (10) feet.
- (3) In case the right-of-way of the road on which the lot fronts is less than fifty (50) feet wide, the depth of the front yard shall be the setback requirement for the district plus twenty-five (25) feet and shall be measured from the center line of the road.

§ 267-20. Nonconforming buildings, structures and uses.

Nonconforming buildings, structures or uses may be continued, subject to the following provisions:

- A. No nonconforming use shall be changed to a use not permitted by this Part 1 in the particular district in which the building or structure is located, except:
 - (1) If no structural alterations are made, a nonconforming use of a building may be changed to a similar or more-restricted use of the same or lesser intensity.
 - (2) Whenever a nonconforming use has been changed to a more-restricted use, such use shall not thereafter revert to a less-restricted use.
 - (3) When authorized by the Board, one nonconforming use may be substituted for another nonconforming use.
- B. [Amended by Bill No. 84-55] Any residential use may be continued and may be enlarged without increasing the number of dwelling units therein, provided that no such addition shall extend closer to any lot line than existing building surfaces or the required yard dimensions for the district, whichever is less.
 - (1) Residential uses, when located in an industrial district, may be enlarged, provided that the enlargement does not exceed fifty percent (50%) of the gross square footage in use at the time of the creation of the nonconformity. Expansion is permitted, provided that no such addition shall extend closer to any lot line than existing building surfaces or the required yard dimensions for the district, whichever is less.
 - (2) A mobile home located in a residential district may be replaced with one of a larger size, provided that the enlargement does not exceed fifty percent (50%) of the gross square footage of the mobile home in use at the time of the creation of the nonconformity.
- C. In the event that a nonconforming use ceases for a period of one (1) year or more, then the nonconforming use shall be deemed abandoned, and compliance with this Part 1 shall be

required. The casual, temporary or illegal use of land or structure does not establish the existence of a nonconforming use.

- D. Any nonconforming building or structure which is damaged by less than fifty percent (50%) of its replacement value may be reconstructed to its former dimensions on the same lot and with the same nonconforming use. Nothing in these regulations shall prevent the strengthening or restoring to a safe condition of any building or structure declared to be unsafe.
- E. An accessory structure located on a residential lot or agricultural parcel shall be considered a nonconforming structure subject to the provisions of this Article if it meets the following conditions:
 - (1) The accessory structure was located prior to September 1, 1982.
 - (2) An approved zoning certificate was not obtained for the location of such structure.
 - (3) The accessory structure otherwise conforms to the requirements of Ordinance No. 6 of 1957.

§ 267-21. Enlargement or extension of nonconforming buildings, structures or uses.

The Board may authorize the extension or enlargement of a nonconforming use, with or without conditions, provided that:

- A. The proposed extension or enlargement does not change to a less-restricted and more-intense use.
- B. The enlargement or extension does not exceed fifty percent (50%) of the gross square footage in use at the time of the creation of the nonconformity.
- C. The enlargement or extension does not violate the height or coverage regulations for the district.
- D. The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.
- E. The limitations, guides and standards set forth in § 267-9I, Limitations, guides and standards, are considered by the Board.

ARTICLE V

Supplementary Regulations

§ 267-22. Lots. [Amended by Bill Nos. 82-54; 84-49; 98-36]

- A. Separate lot requirements. Except as otherwise permitted by this Part 1, not more than one principal building used for dwelling purposes shall be permitted on any single lot. Establishment of a building with separate dwelling units for rental, cooperative or condominium purposes or as continuing care retirement community on a single lot shall not violate this requirement. [Amended by Bill No. 98-36]
- B. Division of building, parcel or lot. Division of existing buildings, parcels or lots shall not be permitted if the proposed division would create any buildings or lots which do not comply with the requirements of this Part 1.
- C. Lot frontage requirements. Any building, structure or use fronting on a public or private road shall be located on a lot abutting the road for at least twenty-five (25) feet, except as otherwise required by this Part 1. In attached dwelling projects, provided that all buildings are so located to provide access for servicing, fire protection and off-street parking, lots may front on open space, courts or group parking areas, and each such attached dwelling unit shall not be required to meet the road frontage standard.
- D. Areas not satisfying lot area requirements. Those areas of a lot which lie in an existing or proposed road right-of-way, except alleys or designated open space, shall not qualify as part of the required minimum lot area. The area within the handle of a panhandle lot shall not be considered part of the required minimum area.
- E. Minimum residential lot area with private utilities. The minimum residential lot areas provided in this Part 1 shall not reduce any other prescribed lot size or lot width if a more-restrictive requirement exists. The minimum lot areas shall be subject to any additional area required by regulations of the State Department of Health and Mental Hygiene or county law or regulation.
 - (1) Any residential lot created after the effective date of this Part 1 to be served by an individual sewage disposal system outside the ten-year sewer service area as shown on the County Master Water and Sewer Plan shall have a minimum lot area of sixty thousand (60,000) square feet and a minimum lot width at the building line of one hundred (100) feet.
 - (2) Any residential lot created after the effective date of this Part 1 to be served by an individual sewage disposal system within the ten-year sewer area as shown on the County Master Water and Sewer Plan shall have a minimum lot area of twenty thousand (20,000) square feet and a minimum lot width at the building line of one hundred (100) feet.

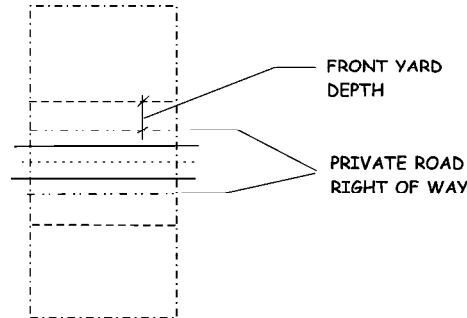
- F. Lot averaging. Lot averaging shall be permitted in a development to allow lots smaller in area than the minimum area permitted, provided that no lot shall be reduced by more than ten percent (10%) of the minimum lot area, except that townhouse lots may be reduced by not more than twenty percent (20%), and provided further that the sum of the lot areas divided by the number of lots complies with the minimum per-lot area requirement of this Part 1. This provision shall not apply to panhandle lots.
- G. Panhandle-lot requirements. Panhandle lots shall be permitted for agricultural and residential uses, to achieve better use of irregularly shaped parcels, to avoid development in areas with environmentally sensitive features or to minimize access to collector or arterial roads, subject to the following requirements:
- (1) Except in Agricultural and Rural Residential Districts, with regard to any parcel, as it existed on September 1, 1982, not more than one (1) lot or five percent (5%) of the lots intended for detached dwellings, whichever is greater, and not more than ten percent (10%) of the lots intended for attached dwellings may be panhandle lots.
 - (2) Panhandles shall be a maximum of seven hundred (700) feet in length. The Zoning Administrator may grant a waiver of the maximum length where the topography, natural features or geometry of the parcel make a longer panhandle necessary.
 - (3) A common drive shall be constructed to serve any group of two (2) or more panhandle lots. Driveways for all panhandle lots shall access from the common drive.
 - (4) Groups not exceeding four (4) lots may have two (2) lots on panhandles in accordance with the following criteria. Panhandle lots and subdivisions shall have, as a minimum, the following width:
 - (a) Single panhandles: twenty-five (25) feet.
 - (b) Double panhandles: twelve and one-half (12½) feet each, for a total of twenty-five (25) feet.
 - (5) Where a common drive is required, the following shall apply:
 - (a) Prior to or at the time of recordation of a panhandle subdivision, the owner shall also record subdivision restrictions that shall provide for the construction, type, responsibility for the same, including all costs, and use and maintenance of the common drive, which shall be applicable to all lots subject to the common-drive plan. The subdivision restrictions shall be reviewed and approved by the Department of Law prior to recordation to ensure that all lots subject to the common-drive plan will be subject to the restrictions upon recordation thereof for inclusion in the deeds of conveyance.

- (b) The Department of Planning and Zoning, with the advice of the Law Department, shall establish rules and regulations for the drafting of common-drive agreements.
- (c) The county shall bear no responsibility for the installation or maintenance of the common drive.

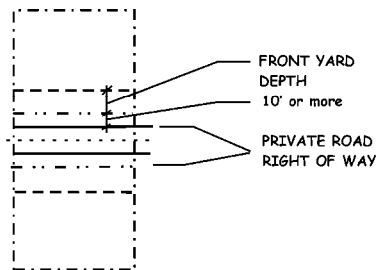
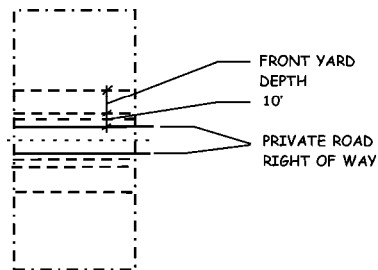
§ 267-23. Yards. [Amended by Bill Nos. 82-54; 84-42]

A. Front yard depth.

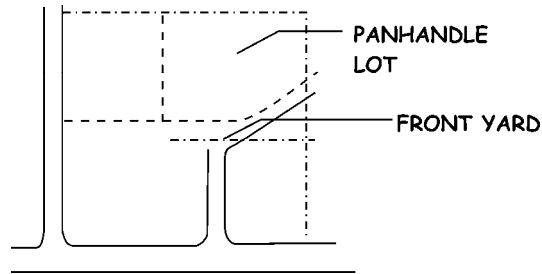
- (1) The minimum front yard depth, as specified in this Part 1, shall be measured in the following manner:
 - (a) From the proposed or established public road right-of-way line;



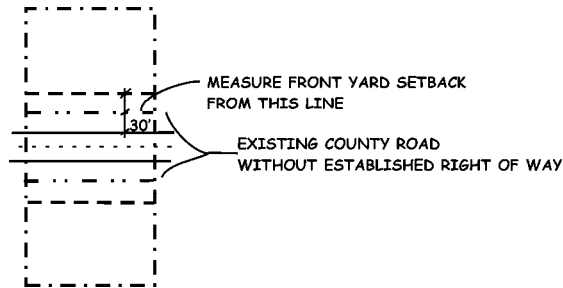
- (b) From any other right-of-way on a line ten (10) feet from and parallel to the edge of the hard-surfaced area or a line established as a private road right-of-way, whichever is greater; or



- (c) In the case of a panhandle lot, from the end of the handle which is the greatest distance from the road right-of-way.

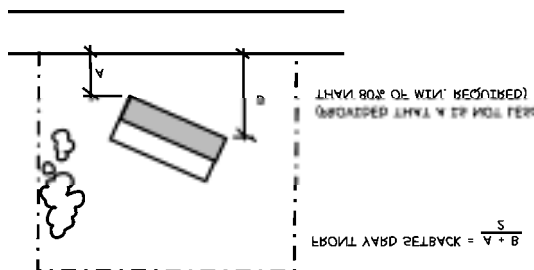


- (2) For the purpose of establishing a setback line on existing county roads without established right-of-way lines, the setback shall be measured thirty (30) feet from the center line.

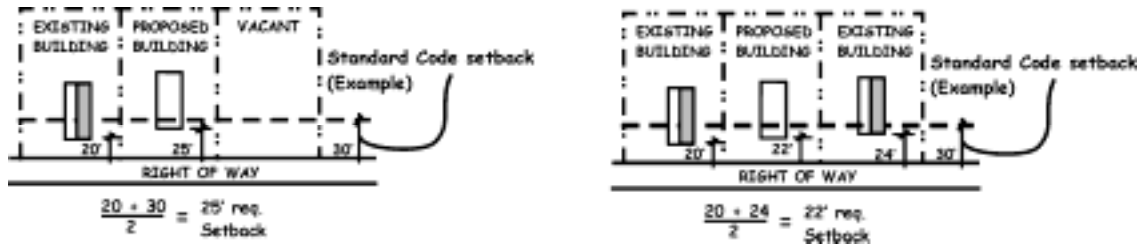


- (3) Average front yard.

- (a) Where a structure is not parallel to the road, the minimum yard requirement may be met by averaging the yard width from one end of the structure to the other end, provided that the yard at the narrowest point is not less than eighty percent (80%) of the minimum yard required by this Part 1, not including the reductions permitted by this section.

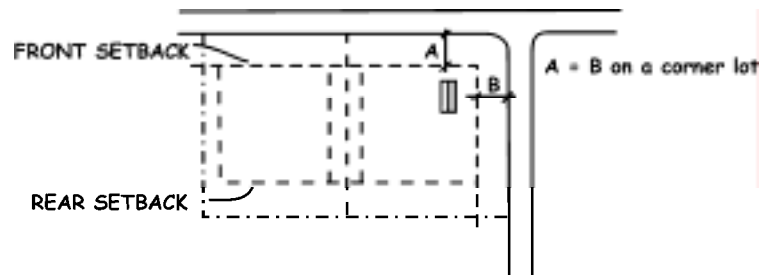


- (b) When the average front yard setback of structures located on an existing public road on either side of a vacant lot differs from the minimum setback required by this Part 1, such setback on the vacant lot need not exceed the average setback of the adjoining structures, or, when only one (1) of the abutting lots is improved, such setback need not exceed the average of the minimum required setback of the district and the setback of the adjoining structure.

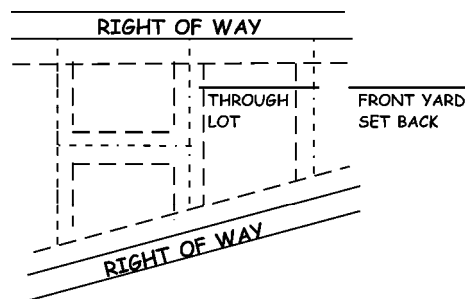


(4) Corner and through lots.

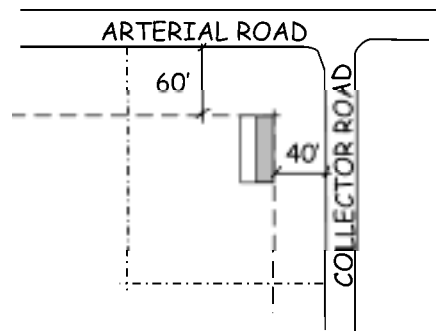
- (a) In the case of corner lots, a full front yard of the required depth will be provided off both front lines, except as otherwise permitted by this Part 1.



- (b) In the case of through lots, front yards will be provided off all front lot lines, except as otherwise permitted in this Part 1.

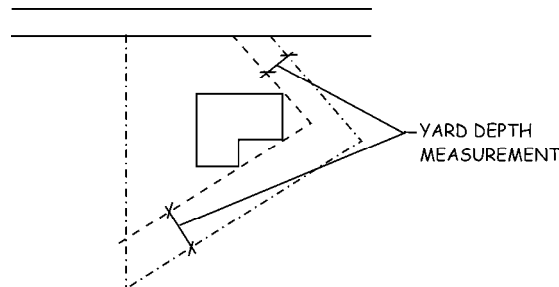


- (5) Yards along collector and arterial roads. In the event that residential lots abut one (1) or more collector or arterial roads, the required front yard from the right-of-way of such roads shall be forty (40) feet from a collector road and sixty (60) feet from an arterial road.



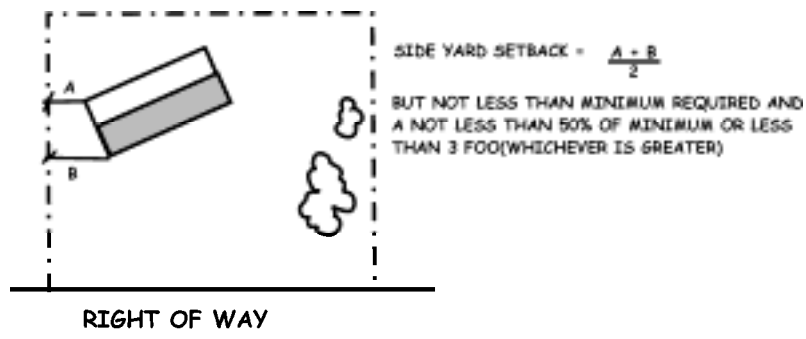
B. Side and rear yard depth.

- (1) The minimum side and rear yard depths, as specified in this Part 1, shall be measured in the following manner:
- (a) Perpendicularly from rear or side lot lines at the closest points to the proposed or existing structure.



- (b) When measured from an alley, one-half ($\frac{1}{2}$) of the alley width may be included as a portion of the rear or side yard.
- (c) For any project without individual lots, the side and rear yards shall be measured along the boundaries of the parcel.
- (2) Average side yard. The side yard width may be varied where the sidewall of a structure is not parallel with the side lot line. In such case, the average width of the side yard shall not be less than the otherwise-required minimum width; provided, however, that such side yard shall not be narrower at any point than one-half ($\frac{1}{2}$) the otherwise-required minimum width or narrower than three (3) feet in all cases, except lot-line dwellings. Any minor offset, broken or irregular part of a structure

which is not in the same vertical plane as the portion of the sidewall of the structure nearest to the side lot line shall not be included in the computation of the average side yard width.



C. Exceptions and modifications to minimum yard requirements.

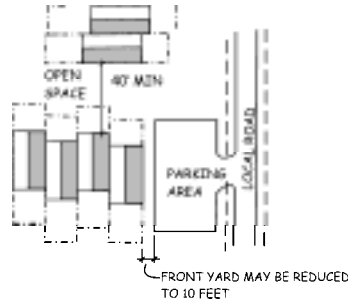
(1) Encroachment. [Amended by Bill No. 88-17]

(a) The following structures shall be allowed to encroach into the minimum yard requirements, not to exceed the following dimensions:

- [1] Awnings, canopies, cornices, eaves or other architectural features: three (3) feet.
- [2] Bay windows, balconies, chimneys or porches: three (3) feet.
- [3] Open fire escapes: five (5) feet.
- [4] Uncovered stairs or necessary landings: six (6) feet.
- [5] Fences and walls: in accordance with § 267-24B, Fences and walls.
- [6] Unenclosed patios and decks: up to, but not to exceed, twenty-five percent (25%) of the side or rear yard requirement for the district. No accessory structure shall be located within any recorded easement area.
- [7] Attached storage sheds may encroach ten (10) feet into the rear yard only. Such storage sheds shall not have internal access to the dwelling unit.

(2) Reduced front yards. The minimum front yard requirements of this Part 1 may be reduced in accordance with the following:

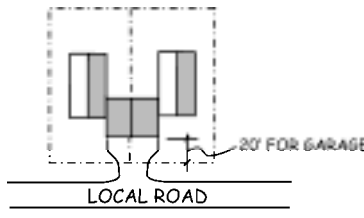
- (a) Open space or court. When dwelling units are designed to front on open space or a courtyard, rather than a parking area or road, the front yard setback, which is like a side yard, may be reduced to a minimum of ten (10) feet, provided that the dwelling units are adjacent to a local road and the open space or courtyard extends for the length of the structures and has a minimum building-to-building width of forty (40) feet.



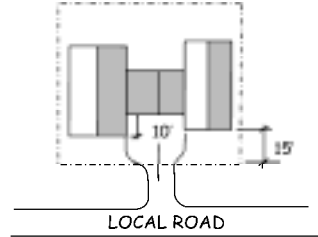
- (b) Group parking. When off-street group parking is provided for three (3) or more dwelling units and each dwelling unit is designed without a parking pad or garage, the front yard setback may be reduced to fifteen (15) feet for single-family detached and ten (10) feet for all other dwelling units.



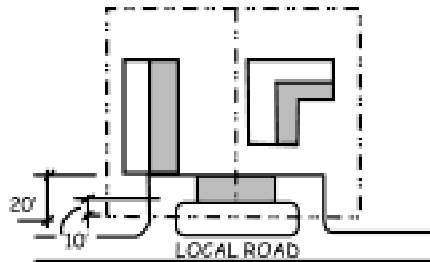
- (c) Attached garage. When dwelling units are designed with an attached garage and access is provided to a local road, the minimum front yard setback may be reduced to twenty (20) feet for the garage only.



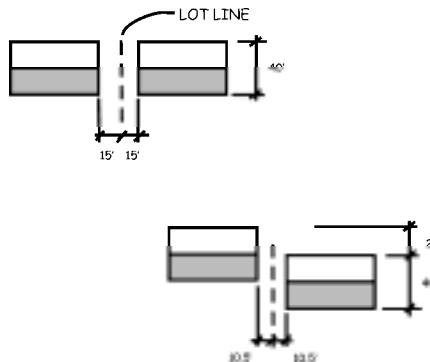
- (d) Recessed garage and parking pad. When dwelling units are designed with a garage or parking pad which is recessed by at least ten (10) feet from the front of the dwelling and access is provided to a local road, the minimum front yard setback may be reduced to fifteen (15) feet.



- (e) Parallel garage. When dwelling units are designed so that the garage opening is perpendicular to the road and access is provided to a local road, the minimum front yard setback may be reduced to ten (10) feet for the garage and twenty (20) feet for the dwelling unit.



- (3) Reduced side yards. Where a lot for each dwelling unit is established, the minimum side yard requirements of this Part 1 may be reduced not more than thirty percent (30%) when sidewalls of adjoining single-family attached or semidetached dwellings are offset by fifty percent (50%) or more.



- (4) Solar orientation. When site plan, landscaping and building units are designed to achieve energy-conservation goals and building units are designed for solar collectors or passive solar heating, the yard dimensions of the district may be reduced to not less than sixty-five percent (65%) of the minimum yard requirements of this Part 1, provided that a shadow plan demonstrating the benefits of the reduced yards and covenants which limit landscaping to protect solar access shall be submitted to justify granting this reduction.
- (5) Utility distribution lines and facilities. [Added by Bill No. 90-31]
 - (a) The minimum yard and area requirements shall not apply to construction, reconstruction, conversion, erection, alteration, relocation, enlargement or installation of poles, wires, cables, conduits, transformers, controlled environmental vaults (CEV) and similar equipment by A:
 - [1] Gas and/or electric company regulated by the Maryland Public Service Commission;
 - [2] Cable television company operating under a franchise granted by the County Council; or
 - [3] Telecommunications company.
 - (b) A zoning certificate is not required for these uses.

§ 267-24. Exceptions and modifications to height requirements.

- A. General exceptions. The building height limitations of this Part 1 shall not apply to the following:
 - (1) County buildings and structures, schools, houses of worship, hospitals or high-rise apartment dwellings, provided that the front, side and rear yards shall be increased not less than one (1) foot for each two (2) feet by which said structure exceeds the height limitation established for the district in which said structure is located.
 - (2) Fire or parapet walls, towers, steeples, flagpoles, radio and television antennas, public utility structures and silos. [Amended by Bill No. 90-31]
 - (3) Bulkheads, fireplace chimneys, roof structures, penthouses, silos, water tanks, monitors and scenery lofts, ventilating fans or similar equipment required to operate and maintain the building, provided that no linear dimension of any structure exceeds fifty percent (50%) of the corresponding road lotline frontage, or towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures where the manufacturing process requires a greater height, provided that all such structures which exceed the heights otherwise permitted in the district

shall not occupy more than twenty-five percent (25%) of the area of the lot and shall be set back at least fifty (50) feet from every lot line which is not a road right-of-way line. [Amended by Bill No. 88-62]

B. Fences and walls. Fences and walls may be located in required yards in accordance with the following:

- (1) Front yards. For single-family detached units, walls and fences shall not exceed four feet in height above ground elevation. Where fences and walls are an integral part of the unit design and are applied in a consistent and coordinated pattern throughout the project, fences and walls may be constructed to a maximum of six feet above ground elevation. For continuing care retirement communities, consistent and coordinated fencing or walls may be constructed to a maximum of eight feet above ground elevation provided strategically located gates are provided for emergency access.
- (2) Rear and side yards. Except as otherwise provided in this Part 1, walls and fences shall not exceed 8 feet in height above ground elevation. Tennis court fences shall not exceed 12 feet.
- (3) Security fences. Security fences for business, industrial or institutional uses shall not exceed ten feet in height above the elevation of the surface of the ground unless otherwise necessary to comply with screening requirements.

C. Visibility at intersecting roads.

- (1) In order to provide for visibility across lots at intersecting roads, there shall be a triangular area of clear vision on each corner lot. The triangular area shall be formed from a point on each road right-of-way line located twenty (20) feet for local roads, forty (40) feet for collector roads and sixty (60) feet for arterial roads from the intersection of the road right-of-way line which abuts the lot and a third line connecting the two (2) points.
- (2) On any portion of a lot that lies within the triangular area described above, no obstruction shall be placed in such a manner as to impede vision between a height of two and one-half (2½) feet and ten (10) feet above the grade at the road right-of-way.

D. [Added by Bill No. 88-62] Garden apartment buildings. If a garden apartment contains a loft, the loft shall have:

- (1) An in-system smoke detector installed in accordance with Chapter 82 of this Code;
and
- (2) A window that:
 - (a) Is accessible from the loft;

- (b) Is operable without the use of separate tools;
- (c) Has a sill that is not more than forty-four (44) inches above the floor; and
- (d) Has a net clear opening of at least five and seven-tenths (5.7) square feet, at least twenty-four (24) inches high and at least twenty (20) inches wide.

§ 267-24.1. Requirements for deck accesses. [Added by Bill No. 94-46]

No single family dwelling or townhouse dwelling shall be originally constructed with an above ground level door that provides access to a rear yard deck or porch unless:

- A. A deck or porch is constructed at the time the dwelling is constructed; or
- B. The builder signs and submits with the building permit application a statement that the lot on which the dwelling is located has sufficient footage to permit, without the granting of a variance, construction of a deck or porch that has a minimum depth into the rear yard of 10 feet and that has a minimum square footage of 80 feet.

§ 267-25. Off-street parking and loading. [Amended by Bill Nos. 82-54; 84-37]

A. Generally.

- (1) No structure shall be erected, substantially altered or have its use changed unless permanent off-street parking and loading spaces have been provided and maintained in accordance with the provisions of this section. The Board may authorize a modification of the parking space requirements if it should find that, in the particular case, the peculiar nature of the use or the exceptional shape or size of the property or other exceptional situation or condition would justify such modification.
- (2) Parking and loading requirements based on floor area shall be determined by the total gross floor area of the use, excluding incidental storage, mechanical areas and preparation areas.
- (3) Parking and loading requirements per seat shall be determined by the number of individual seats, except as otherwise required. For purposes of bench-type seating, twenty (20) inches shall be the equivalent of one (1) seat.
- (4) Parking requirements may be provided in attached or detached garages, in off-street parking lots or on parking pads on the lot. On residential lots, each required parking space shall have direct and unobstructed access to a road.
- (5) Parking areas on residential lots shall not cover more than fifty percent (50%) of the required front yard.
- (6) Each required parking space shall measure either nine by eighteen (9 x 18) feet for a standard-sized vehicle or eight by sixteen (8 x 16) feet for compact vehicles. For calculating the minimum gross area for the required parking, driving aisle, general circulating and landscaping, three hundred twenty-five (325) square feet per parking space shall be used.
- (7) Business uses shall provide a minimum of three (3) parking spaces.
- (8) Accessory parking areas, driveways and private roads may be granted by the Board of Appeals in any district to serve a use located in another district subject to the conditions set out in § 267-53K. [Added by Bill No. 86-30]

B. Group parking requirements. When group parking is provided, the facility shall be designed as follows:

- (1) Parking areas for business uses requiring more than ten (10) parking spaces and all other uses requiring more than twenty (20) parking spaces shall be provided with a durable and dustless surface and shall be so graded and drained as to dispose of surface water and so arranged and marked as to provide for orderly and safe loading, unloading, parking and storage of motor vehicles.

- (2) Five percent (5%) of the required parking area shall be landscaped. The parking area shall be set back a minimum of five (5) feet from collector road rights-of-way and ten (10) feet from arterial road rights-of-way.
 - (3) Parking areas in excess of ten thousand (10,000) square feet for business, industrial or institutional uses located less than one hundred (100) feet from any residential district shall require a minimum buffer yard of ten (10) feet adjacent to any residential district.
 - (4) Residential group parking areas shall not serve as general circulation for more than 150 dwelling units per access to a public road. The number of residential parking spaces in an unbroken row shall not exceed 16. The 150 dwelling unit limit shall not apply to a CCRC special development with adequate internal private road network. [Amended by Bill No. 98-36]
 - (5) Any lighting used to illuminate a parking area shall be so designed to direct the light away from adjoining residential premises.
- C. Joint parking areas for nonresidential uses are permitted, subject to the following:
- (1) The operations sharing the joint use of parking areas shall not be opened or used during the same principal operating hours.
 - (2) The parties concerned with such joint use are subject to a written joint-use agreement.
- D. Parking space requirements. Except as otherwise provided in this Part 1, the following off-street parking space requirements shall apply. In the case of any building, structure or use not specifically mentioned herein, the use that is most similar to the following enumerated uses shall provide the requirement.

<u>Type of Use</u>	<u>Off-Street Parking Spaces Required</u>
Natural resources	As required
Residential:	
Single-family detached, semidetached, duplex, lot-line, patio/court/atrium, row duplex, multiplex, townhouses and mobile homes	2 per dwelling unit
Garden, mid- and high-rise apartments:	
Efficiency	1.25 per dwelling unit
1-bedroom	1.50 per dwelling unit

Type of UseOff-Street Parking Spaces Required

2-bedrooms or more	2 per dwelling unit
Home occupations, except medical professions	Additional parking, as needed, shall be accommodated on site
Housing for the elderly	1 per every 2 dwelling units
Continuing care retirement community	1 per independent living unit plus 1 per 4 beds in assisted living and skilled care facilities plus 1 per employee (full-time equivalent) on largest shift
Transient housing:	
Boarding- and tourist houses	1 per sleeping room
Hotels and motels	1 per sleeping room, and 1 per 2 persons permitted in banquet room and accessory use (bars, lounge, etc.) as determined by maximum capacity requirements set forth in the State Fire Code
Campgrounds and travel trailer parks	1.5 per campsite
Nursing homes and assisted living facilities	1 per 4 patient beds plus 1 per employee (full-time equivalent) on largest shift
Business:	
Banks and financial institutions	1 per 150 square feet of gross floor area, and 5 waiting spaces per drive-in lane
Beauty and barber shops	1 per 100 square feet of gross floor area
Convenience stores	1 per 150 square feet of gross floor space
Dance halls, taverns and bars	1 per 50 square feet of gross floor area, excluding food preparation and storage areas
Funeral parlors and mortuaries	1 per 100 square feet of viewing area
Groceries and supermarkets	1 per 150 square feet of gross floor area, excluding storage area
Medical clinics and veterinary offices	6 per doctor
Medical and dental offices	4 per doctor or dentist

Type of UseOff-Street Parking Spaces Required

Motor vehicle sales and service	1 per 300 square feet of gross floor area, excluding storage area
Professional offices, except medical and dental offices	1 per 300 square feet of gross floor area
Personal services, except beauty and barber shops	1 per 200 square feet of gross floor area
Retail stores, including agricultural sales at roadside stands	1 per 150 square feet of gross floor area
Shopping centers	1 per 250 square feet of gross leasable floor area; over 300,000 square feet, 4.5 per each 1,000 square feet of gross leasable floor area

Recreation:

Arenas and stadiums	1 per every 3 seats
Bowling alleys	4 per lane, plus 1 per 150 square feet of gross floor area for accessory uses (lounge, snack bar, etc.)
Community centers	1 per 250 square feet of gross floor area, plus 1 per each 4 assembly seats
Golf driving ranges and miniature golf	1.25 per tee
Golf courses	3 per hole
Indoor/outdoor public swimming pools	1 per 75 square feet of gross water
Indoor/outdoor shooting ranges (archery, trap, etc.)	1 per each booth or firing position
Marinas	1.5 per berth, and 10% of the spaces shall be large enough for car with trailer if launching ramp is provided
Noncompetitive recreational amusement cars	1.25 spaces per recreational car
Private clubs	1 per 3 persons permitted under the State Fire Code
Racquet- and handball courts	4 per court, plus 1 per 150 square feet of gross floor area for accessory uses
Restaurants	1 per 3 patrons' seats or 1 per 200 square feet of gross floor area, excluding food preparation area, whichever is greater

<u>Type of Use</u>	<u>Off-Street Parking Spaces Required</u>
Skating rinks	1 per 300 square feet of gross floor area
Theaters	1 per 3 patron seats
Institutional:	
Houses of worship and religious assemblies (indoor/outdoor)	1 per 3 seats
Hospitals	1 per bed
Libraries, museums, art galleries and observatories	1 per 250 square feet of gross floor area or 1 per 4 seats, whichever is greater
Sanatoriums and nursing homes	1 per 6 patient beds
Schools, elementary or intermediate	2 per classroom, plus 1 per 8 seats in assembly hall
Schools, high	5 per classroom, plus 1 per 8 seats in assembly hall
Colleges, universities and business trade or technical schools	1 per 3 students
Day-care and nursery facilities	1 per 6 students, and 1 loading space
Industrial	On-site parking as necessary to accommodate traffic generated by the use and the largest employee shift

E. Off-street loading.

- (1) Any use which regularly receives deliveries or shipments must provide off-street loading facilities in accordance with the requirements specified below.
- (2) Retail uses, industrial uses, warehouses, freight terminals, hospitals and sanatoriums.
 - (a) Every retail establishment, industrial use, warehouse, freight terminal, hospital or sanatorium having a gross floor area of six thousand (6,000) square feet or more shall provide minimum off-street loading facilities as follows:

<u>Gross Floor Area</u> (square feet)	<u>Number of Berths</u>
6,000 to 24,999	1
25,000 to 79,999	2
80,000 to 127,999	3
128,000 to 197,999	4
198,000 to 255,999	5
256,000 to 319,999	6
320,000 to 391,999	7

- (b) For each additional seventy-two thousand (72,000) square feet, or fraction thereof, of gross floor area, one (1) additional berth shall be provided.

(3) Public assembly uses.

- (a) Every public assembly use, such as auditoriums, convention halls, exhibition halls, stadiums or sports arenas, office buildings, welfare institutions and funeral homes and restaurants and hotels with a gross floor area of greater than thirty thousand (30,000) square feet shall provide off-street berths as follows:

<u>Gross Floor Area</u> (square feet)	<u>Number of Berths</u>
30,000 to 119,999	1
120,000 to 197,999	2
198,000 to 290,999	3
291,000 to 389,999	4
390,000 to 488,999	5
489,000 to 587,999	6
588,000 to 689,999	7

- (b) For each additional one hundred five thousand (105,000) square feet, or fraction thereof, of gross floor area, one (1) additional berth shall be provided.

- (4) The minimum area for each off-street loading space, excluding area for maneuvering, shall be two hundred fifty (250) square feet, measuring ten by twenty-five (10 x 25) feet with a vertical clearance of fourteen (14) feet.
- (5) Loading spaces shall be designed so that no part of the vehicle shall extend into the right-of-way of a public road during the process of loading and unloading.
- (6) Loading spaces shall be located at least fifty (50) feet from any residential district, unless the loading space is totally enclosed within a building or screened by a hedge, wall or solid board fence at least six (6) feet in height.

§ 267-26. Accessory uses and structures. [Amended by Bill Nos. 82-54; 83-9; 83-52; 83-68; 84-1; 84-14; 84-37]

- A. Generally. Except as otherwise restricted by this Part 1, customary accessory structures and uses shall be permitted in any district in connection with the principal permitted use within such district. Private roads and driveways shall be permitted in any district as an accessory use to any principal use when located in the same district as the principal use. [Amended by Bill No. 86-31]
- B. Zoning certificate required. Accessory uses specified in this section require the issuance of a zoning certificate. Any accessory use not specified in this section does not require a zoning certificate.
- C. Use limitations. In addition to the other requirements of this Part 1, an accessory use shall not be permitted unless it strictly complies with the following:
 - (1) In the AG, RR, R1, R2, R3, R4 and VR Districts, the accessory use or structure shall neither exceed fifty percent (50%) of the square footage of habitable space nor exceed the height of the principal use or structure. This does not apply to agricultural structures, nor does it affect the provisions of § 267-24, Exceptions and modifications to minimum height requirements. No accessory structure shall be used for living quarters, the storage of contractors' equipment nor the conducting of any business unless otherwise provided in this Part 1. [Amended by Bill No. 84-56]
 - (2) No accessory use or structure shall be established on any lot prior to substantial completion of the construction of the principal structure.
 - (3) No accessory use or structure on any lot shall increase any impervious surface area beyond the maximum permitted.
 - (4) No accessory use or structure shall be established within the required front yard, except agriculture, signs, fences, walls or parking area and projections or garages as specified in §267-23C, Exceptions and modifications to minimum yard requirements.
 - (5) Uses and structures. [Amended by Bill No. 88-16]
 - (a) Agriculture detached accessory structure: ten (10) feet from side or rear lot lines, except for lots with recorded easements. For lots with recorded easements, the setback shall be equal to the width of the recorded easement located on the lot.
 - (b) Residential detached accessory structure: six (6) feet from any principal structure and three (3) feet from side or rear yard lot lines except for lots with recorded easements. For lots with recorded easements, the setback shall be equal to the width of the recorded easement.

- (c) Townhouses and zero-lot-line dwellings, detached accessory structure: six (6) feet from any principal structure or zero (0) feet from the side or rear lot line, except for lots with recorded easements. For lots with recorded easements, the setback shall be equal to the width of the recorded easement located on the lot.
 - (d) Business, industrial, institutional and continuing care retirement community uses: same front, side and rear lot lines as required for the principal structure. [Amended by Bill No. 98-36]
- (6) No accessory use or structure, except fences, shall be located within any recorded easement area.
- (7) Any detached accessory structure located less than six (6) feet from the principal structure or adjoining lot line must comply with the Harford County Building Code. [Amended by Bill No. 88-16]
- (8) An accessory structure may be replaced at the same location, provided that it was established in accordance with the zoning regulations applicable at the time the original structure was located on the site. [Added by Bill No. 84-56]
- D. Accessory uses in agricultural and residential districts. The following accessory uses shall be permitted in agricultural and residential districts upon issuance of a zoning certificate, unless otherwise specified, in accordance with the following:
 - (1) Accommodations for bona fide servants or guests, provided that all front, side and rear yards, lot area and density requirements are maintained.
 - (2) Pens, stalls or runs for animals shall not be located within fifty (50) feet of any adjacent residential lot line. Kennels shall be permitted only as special exceptions.
 - (3) Recreation facilities, such as swimming pools and tennis courts, if the facilities are used by the occupants or guests of the principal use and no admission or membership fees are charged, provided that the edge of the facility, not including security fences, shall be located not less than ten (10) feet from any side or rear lot line. For community pools and tennis courts, the edge of the facility shall be located not less than fifty (50) feet from any residential unit or side and rear lot line.
 - (4) Storage in any structure on a residential lot.
 - (5) Home occupations or professional offices. Home occupations or professional offices within the home may be permitted in accordance with the following criteria, modification of which can be granted only through Board of Appeals approval:

- (a) The home occupation must be clearly incidental and subordinate to the residential use and shall not exceed in area twenty-five percent (25%) of the gross floor space of the principal building.
 - (b) The home occupation shall be conducted within the dwelling unit or accessory structure, and no outdoor advertisement, display or storage of materials, goods, supplies or equipment used in the home occupation shall be permitted on the premises.
 - (c) The residential character of the dwelling unit shall not be altered to accommodate a home occupation.
 - (d) Not more than one (1) person, or two (2) persons for medical offices, other than members of the immediate family residing in the dwelling unit, may be employed in the home occupation. The total of all employees, inclusive of family members, shall not exceed three (3). No home occupation shall be open to the public between 9:00 p.m. and 8:00 a.m.
 - (e) No home occupation shall generate greater traffic volumes or increased traffic hazards than would normally be expected in a residential district.
 - (f) No retail sales other than for goods produced on the premises shall be conducted on the premises.
 - (g) Additional off-street parking required for the home occupation shall be provided in the side or rear yard of the lot and shall be screened from adjacent public roads and residential lots.
 - (h) No goods, materials or supplies shall be delivered by commercial vehicles either to or from the premises in connection with the home occupation, except by the United States Postal Service or a delivery service.
 - (i) Notwithstanding the above, home occupations shall not include automobile repair; selling of bait, crabs or fish; beauty or barber shops; construction businesses; dancing or karate schools; funeral homes; kennels; medical clinics; petroleum storage or delivery businesses; photography studios; printing businesses; private clubs; radio stations; restaurants; or variety or gift stores.
- (6) Agricultural tenant house, including mobile homes, for bona fide farm workers when not more than one (1) such structure is provided on parcels of eleven (11) to fifty (50) acres and not more than one (1) additional tenant house per fifty (50) acres thereafter.
- (7) Private horse stables, provided that any stables, corrals, feeding or bedding areas for two (2) or more horses shall be located at least fifty (50) feet from any public road or

nonresidential lot line and one hundred (100) feet from any residential lot line. Pastures, when fenced, may extend to the lot line.

- (8) Agricultural retail grown on site, provided that the parcel has sufficient road frontage to ensure safe ingress and egress. Any permanent structure shall meet the minimum front, rear and side yard requirements for principal agricultural structures in the district. Entrances and exists to the required parking area shall be at least fifty (50) feet from any intersection on a local road and one hundred (100) feet from all other road intersections. [Amended by Bill No. 94-14]
- (9) Recreational vehicles and equipment shall be stored in the rear yard or in the side yard if completely screened from any adjacent residence and the side yard setback of the district for the principal use is maintained. No living or sleeping in or other occupancy of a recreational vehicle, camper or trailer shall be permitted for more than seven (7) days within any ninety-day period unless the location has been approved for such use. No zoning certificate is required.
- (10) A commercial vehicle having a gross vehicle weight or a gross combination weight of 10,000 pounds or less and that is 22 feet or less in length may be allowed in a residential district on the basis of one vehicle for each residential lot. No zoning certificate is required. [Amended by Bill No. 93-60]
- (11) Not more than one (1) inoperative or untagged motor vehicle may be parked or stored on any lot of less than two (2) acres for a continuous period of more than six (6) months, unless such vehicle is stored within a completely enclosed building. Not more than two (2) inoperative or untagged motor vehicles, except bona fide agricultural equipment, may be parked or stored on any lot of two (2) acres or more, unless such vehicles are within a completely enclosed building.
- (12) A day-care center operated in a church, private school or public school. [Added by Bill No. 88-61]
- (13) [Added by Bill No. 93-84] Mulch storage and sales as an accessory use to commercial greenhouses and nurseries in the AG District, provided that:
 - (a) A separate zoning certificate is not required;
 - (b) The sale of mulch accounts for less than 20% of the annual gross sales receipts of the greenhouse or nursery;
 - (c) Outdoor storage of mulch is limited to:
 - [1] A maximum area of 1 acre or 10% of the total lot area, whichever is less; and
 - [2] A maximum height of 10 feet;

- (d) If the Department determines that there is reason to believe that the mulch sales and storage are of such an extent as to constitute more than an accessory use, the owner of the property shall provide, within 14 calendar days after receiving written notice from the Department, evidence that the percentage requirement is not being violated. If such evidence is not provided, the Department shall proceed with the appropriate enforcement action;
- (e) In accordance with the state law on access to public records, § 10-611 et seq of the State Government Article, the Department shall treat the gross sales receipts information it obtains as confidential financial information and shall not permit public inspection of the information; and
- (f) If a mulch storage and sales operation conducted as an accessory use to a commercial greenhouse or nursery does not meet the requirements of items (b) or (c) of this Paragraph (13), the operation shall be considered the principal use of the property and shall be subject to the requirements applicable to a mulch storage and sales operation conducted as a principal use.

E. [Amended by Bill No. 93-84] Accessory uses permitted in business and industrial districts. The following accessory uses shall be permitted in the business and industrial districts upon issuance of a zoning certificate, unless otherwise specified, in accordance with the following:

- (1) Incidental repair facilities and outside storage of goods normally carried in stock, used in or produced by the business or industrial use, provided that no storage is within ten (10) feet of any side or rear lot line, all storage is effectively screened from any adjacent residential use or district and such use is not prohibited under the applicable district regulations of this Part 1.
- (2) A dwelling unit, including a mobile home, for a caretaker or watchman shall be permitted, provided that:
 - (a) Not more than one (1) dwelling unit is provided for security or protection of the principal use.
 - (b) The requirements for the dwelling unit shall not differ from those imposed by this Part 1 for a housing unit of the same or similar type as a principal permitted use.
- (3) Retail sales in industrial districts shall be permitted, provided that the goods sold are manufactured or produced on the site.
- (4) Mulch storage and sales as an accessory use to commercial greenhouses and nurseries in the VB and GI Districts, provided that:

- (a) A separate zoning certificate is not required;
- (b) The sale of mulch accounts for less than 20% of the annual gross sales receipts of the greenhouse or nursery;
- (c) Outdoor storage of mulch is limited to:
 - [1] A maximum area of 1 acre or 10% of the total lot area, whichever is less; and
 - [2] A maximum height of 10 feet;
- (d) If the Department determines that there is reason to believe that the mulch sales and storage are of such an extent as to constitute more than an accessory use, the owner of the property shall provide, within 14 calendar days after receiving written notice from the Department, evidence that the percentage requirement is not being violated. If such evidence is not provided, the Department shall proceed with the appropriate enforcement action;
- (e) In accordance with the state law on access to public records, § 10-611 et seq of the State Government Article, the Department shall treat the gross sales receipts information it obtains as confidential financial information and shall not permit public inspection of the information; and
- (f) If a mulch storage and sales operation conducted as an accessory use to a commercial greenhouse or nursery does not meet the requirements of items (b) or (c) of this Paragraph (4), the operation shall be considered the principal use of the property and shall be subject to the requirements applicable to a mulch storage and sales operation conducted as a principal use.

F. Exemptions. The following accessory uses are exempt from the provisions of this section and shall not require a zoning certificate.

- (1) Day-care homes, family.

§ 267-27. Temporary uses.

Temporary uses shall be permitted, subject to the following:

- A. Zoning certificate. Temporary uses specified in this section require the issuance of a zoning certificate, unless otherwise specified. Any temporary use not specified in this section does not require a zoning certificate. [Amended by Bill No. 85-60]
- B. Specific temporary uses. The temporary uses described below shall be subject to the following;

- (1) A carnival, circus or public event, excluding religious activities, if permitted within the district, shall be allowed for a maximum period of thirty (30) days, provided that no structure or equipment shall be located within two hundred (200) feet of any residential district. When a carnival, circus or public event, excluding religious activities, accommodates more than three hundred (300) people, it shall be subject to the following additional requirements:
 - (a) The zoning certificate shall specify the use, dates and hours of operation of the event.
 - (b) Adequate arrangements for temporary sanitary facilities must be approved by the State or County Department of Health and Mental Hygiene.
 - (c) No permanent or temporary lighting shall be installed without an electrical permit.
 - (d) The site shall be cleared of all debris at the end of the event and cleared of all temporary structures within three (3) days thereafter. A bond in the amount of two hundred fifty dollars (\$250.) or a signed contract with a disposal firm shall be provided to insure that the premises shall be cleared of all debris.
 - (e) Adequate off-street parking shall be provided, and a stabilized drive to the parking area shall be maintained.
 - (f) It shall be the responsibility of the applicant to guide traffic to parking areas. The applicant shall notify the local enforcement authority and shall provide adequate traffic control.
- (2) Christmas tree displays and sales for nonprofit organizations shall be permitted in any district for a maximum period of forty-five (45) days.
- (3) Contractor's office and construction equipment sheds or accommodations for security shall be permitted in any district if the use is incidental to a construction project. A zoning certificate is not required for these uses; however, a minimum setback of ten (10) feet from all property lines is required. The office or shed shall be removed upon completion of the project. [Amended by Bill No. 85-60]
- (4) A real estate sales office shall be permitted in any district for rental or sale of dwellings in the project. The office shall be removed upon initial sales of all units. A rental office may be permanently maintained in a rental project.
- (5) Agricultural retail shall be permitted on a seasonal basis, provided that the parcel used for agricultural purposes has sufficient road frontage to ensure safe ingress and egress. Sales area, including produce stands, shall be set back a minimum of twenty (20) feet from the nearest public road right-of-way. Entrances and exits to the

required parking area shall be at least fifty (50) feet from any intersection on a local road and one hundred (100) feet from all other road intersections.

- (6) When fire or natural disaster has rendered a residence unfit for human habitation, the temporary use of a mobile home located on the lot during rehabilitation of the original residence or construction of a new residence is permitted for a period of twelve (12) months, if water and sanitary facilities approved by the State Department of Health and Mental Hygiene are provided. The Zoning Administrator may extend the permit an additional sixty (60) days. Further extensions thereof shall require Board approval. The mobile home shall be removed from the property upon completion of the new or rehabilitated residence.
- (7) [Added by Bill No. 85-7] Hawkers and peddlers sales shall be permitted in the VB, B2, B3 and CI Districts, subject to the following additional requirements:
 - (a) The zoning certificate shall specify the type of use and the dates of the sale. The zoning certificate shall be valid for a period of one (1) year, at which time the applicant may apply for another zoning certificate upon complying with the provisions of this section.
 - (b) Only temporary lighting shall be permitted.
 - (c) The site shall be cleared of all debris at the end of the sale and cleared of all temporary structures within three (3) days thereafter.
 - (d) The parcel used for the proposed use shall have sufficient road frontage to ensure safe ingress and egress.
 - (e) Sales and display areas shall be set back a minimum of thirty-five (35) feet from the center line of the road or ten (10) feet from the public road right-of-way, whichever is greater.
 - (f) The proposed use shall not:
 - [1] Generate greater traffic volumes or increased traffic hazards than normally would be expected in the district.
 - [2] Be detrimental to the use or development of adjacent properties or neighborhoods.
 - (g) Sales on any one (1) parcel shall not be conducted for more than one hundred eighty-five (185) days in any one (1) year.
 - (h) Issuance of certificates.

- [1] At the time the application applies for a zoning certificate, the applicant shall provide the Zoning Administrator with the following information:
 - [a] The location of the parcel or parcels where the sale or sales are to be located.
 - [b] Written permission from the property owner or the lawful tenant of the parcel or parcels where the sale or sales are to be located, giving approval for the use.
 - [c] A copy of the license issued by the state.
- [2] A zoning certificate issued by the Zoning Administrator shall cover all parcels where the sale or sales are to be located.
- (i) The provisions of this subsection shall not apply to any exemption as provided for by state law and shall not include the sale by a farmer of any produce grown on and sold from the farmer's property.
- (j) One (1) temporary sign shall be permitted, provided that the sign shall not exceed thirty-two (32) square feet or six (6) feet in height and shall not be located less than one-third (1/3) of the setback requirements of the zoning district where the sale is permitted and shall be removed at the end of the sale day.
- (k) No hawker or peddler shall operate from a vehicle which has a manufacturer's rated capacity greater than one (1) ton.
- (l) The provisions of this subsection shall not be construed to relieve any hawker or peddler from any law, rule, regulation or resolution enacted by the State of Maryland.
- (8) Cottage houses. [Added by Bill No. 90-13; amended by Bill No. 94-42]
 - (a) In this Subsection B(8), the following terms have the meanings indicated:

COTTAGE HOUSE -- A temporary second dwelling on a single lot.

DEPARTMENT -- The Department of Planning and Zoning.

DISABILITY -- A disabling physical or mental condition.

RELATIVE -- A grandparent, parent, child, brother, sister, aunt or uncle.
 - (b) A cottage house is permitted on a single lot in the AG, RR, R1, R2, RO and VR Districts, provided that:

- [1] On a lot of 2 acres or less the cottage house is located within a dwelling currently on the lot;
 - [2] On a lot of more than 2 acres the cottage house may be located within a dwelling currently on the lot or be a mobile home;
 - [3] If the cottage house is a mobile home, the cottage house meets the setback requirements for transient housing uses, except that in the AG District, the minimum rear yard setback for a mobile home cottage house is 40 feet;
 - [4] When the cottage house is a mobile home, skirting of a compatible material is substituted for a foundation;
 - [5] The lot owner submits a letter of approval from the Health Department stating that the water and sewer facilities for the cottage house meet Health Department requirements;
 - [6] The lot owner submits a copy of the property deed and any homeowners' association agreement to which the lot is subject;
 - [7] The lot owner lives in 1 of the 2 dwellings on the lot;
 - [8] A relative of the lot owner lives in the other dwelling; and
 - [9] Either the lot owner or the relative:
 - [a] Is more than 62 years old; or
 - [b] Has a disability.
- (c) If an application for a cottage house permit is based upon a disability of the lot owner or a disability of a relative of the lot owner:
- [1] The application shall include a physician's statement documenting the disability;
 - [2] Every 2 years the lot owner shall submit an additional statement from a physician that documents the lot owner's or relative's continuing disability; and
 - [3] At least 60 calendar days before the additional statement is due, the Department shall notify the lot owner of the date by which the statement is due.

- (d) If the cottage house is visible from a residence on an adjacent parcel, the Department may require the lot owner to plant a screen of evergreen trees or shrubs between the cottage house and the residence. The screen shall be at least 10 feet in depth, and the tree or shrubs shall be at least 2 feet in height at planting and shall be capable of forming a year-round screen within 3 years.
- (e) A permit is revoked when:
 - [1] The parcel is transferred or assigned;
 - [2] The additional physician's statement required by Subsection B(8)(c) is not submitted by the due date; or
 - [3] The need for the cottage house ends.
- (f) When a permit is revoked, the lot owner shall remove the cottage house within 60 calendar days.
- (g) Use of a cottage house under this Subsection B(8) is not grounds for or evidence of hardship for a variance under § 267-11.
- (h) If the lot owner satisfies the requirements of this Subsection B(8), the Department shall:
 - [1] Issue a permit to the lot owner 21 calendar days after the lot owner satisfies the requirements;
 - [2] Within 7 calendar days after the lot owner satisfies the requirements, post the property which is the subject of the application with a notice that the lot owner has applied for a cottage house permit and has satisfied the permit requirements; and
 - [3] Within 7 calendar days after the lot owner satisfies the requirements, notify by mail each owner of real property adjacent to the lot:
 - [a] That the lot owner has applied for a cottage house permit and has satisfied the permit requirements;
 - [b] That the permit is temporary;
 - [c] That the cottage house must be removed when the permit is revoked under Subsection B(8)(e);
 - [d] Of the requirements imposed on the lot owner; and
 - [e] Of any other information the Department deems relevant.

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§ 267-28. Buffer yards. [Amended by Bill No. 82-54; 97-12]

- A. Purpose and location. Buffer yards shall be provided, based on the schedule below, to ameliorate conflicting adjacent uses. Buffer yards shall be located on the boundary of a project which adjoins the use to be buffered and shall be included within the setback areas or yards otherwise provided in this Part 1. The buffer yard area specified in this section may be part of the open space requirements noted in § 267-29, Open space.
- B. Use. Buffer yards may be used for passive recreation, including trails, bike paths and picnic areas, but shall not be used for active recreation.
- C. [Amended by Bill Nos. 87-28; 88-85; 94-73] Buffer yard requirements. The following minimum buffer yard requirements shall be applicable to all districts:

<u>Proposed Use</u>	<u>Adjacent District or Use</u>	<u>Buffer Yard Width (feet)</u>
Agricultural service use	Residential use	10
Proposed residential use of a net density twice that of the adjacent existing or proposed residential project	Residential use	10
Continuing care retirement community [Added by Bill No. 98-36]	Residential use	15
Residential rear yard	Collector and arterial public roads	10
Active public recreation of over 2 acres	Residential use	10
Business use		
RO District	Residential use	10
B-1 District	Residential use	10
B-2 District	Residential use	15
B-3 District	Residential use	20
Shopping center	Residential district	25
Commercial, Industrial District	Residential district	15
Light Industrial District	Residential	15
General Industrial District	Residential district	20
Extraction or landfill	Residential use and public roads	30
Public utility facility	Residential use and public roads	10
Sewage pumping station	Residential use and public roads	10
All proposed uses	Historic landmark, as designated by Historic Preservation Commission	10 – 75 (See Subsections E & F)

- D. [Amended by Bill No. 94-73] Landscaping and fencing requirements. A buffer yard shall be landscaped to screen incompatible uses in accordance with any 1 of the following requirements:
- (1) A planting strip at least 10 feet wide at or near the property line, including trees or shrubs at least 2 feet high at the time of planting, which may be expected to form a year-round screen within 3 years.
 - (2) A landscaped, rolling, earth mound of at least 4 feet in height.
 - (3) A solid fence or walls of a minimum of 5 feet in height without advertising, when designed with durable materials, texture and colors compatible with adjacent uses.
 - (4) Sanitary landfill requirements.
 - (a) An undisturbed buffer area shall be maintained between the fill area and adjoining properties. The undisturbed buffer area shall be designed to adequately screen the landfill activities from the view of adjoining properties. The undisturbed buffer area shall be a minimum of 200 feet from adjoining property lines. The distance shall be determined by the County Council after a site plan is developed by the Departments of Planning and Zoning and Public Works. The site plan shall consider and address the topography of the area, the ability to effectively screen the landfill area and such other factors as the Departments of Planning and Zoning and Public Works and the County Council deem relevant in conformity with § 267-9I, Limitations, guides and standards.
 - (b) The Department of Public Works shall cause, prior to submission of the site plan to the County Council, a notice to be published once a week for 2 consecutive weeks in 2 newspapers of general circulation in the county. The notice shall identify the location of the site, the acreage and a physical description of the site.
- E. [Added by Bill No. 94-73] If a proposed use will be on property that is adjacent to a structure designated as a historic landmark by the Historic Preservation Commission, and if the proposed use will be located within 500 feet of the historic landmark, the proposed use shall have a buffer and landscaping in accordance with this subsection. The Department shall determine the required width and landscaping of the buffer. The width shall be at least 10 feet and not more than 75 feet, and the landscaping shall be one of the alternatives established by Subsection D of this section. Before determining the required width and the landscaping alternative to be used, the Department shall obtain a recommendation from the Historic Preservation Commission. In forming its recommendation, the Commission shall consider the nature and extent of the proposed use, the degree of compatibility of the proposed use and the historic landmark, the extent to which the buffer will help preserve the character of the historic landmark, the size of the

property on which the proposed use will be located, the distance of the proposed use from the historic landmark, and the size of the property on which the historic landmark is located. The Department shall require the buffer width and landscaping recommended by the Commission unless the Department finds, based on written reasons, that the recommendation of the Commission was not supported by competent or material evidence or was arbitrary or capricious.

- F. [Added by Bill No. 94-73] When the Department receives a landscaping plan for a proposed use that will be on property that is adjacent to a structure designated as a historic landmark by the Historic Preservation Commission, it shall provide the Commission with a copy of the plan. Within 30 calendar days after receiving the plan, the Commission shall determine the required width and landscaping of the buffer. Within 7 calendar days after its determination, the Commission shall send written notice of the determination to the Department.

§ 267-29. Open space.

- A. Purpose and use. Open space shall be used for recreation, protection of natural resource areas, passive green way amenity or agriculture; be accessible to all residents of the development, except when used for agricultural purposes; and be accessible to the general public, if accepted by a public agency. Open space shall not be occupied by nonrecreational buildings or parking and shall not include required lot areas of dwelling units.
- B. Open space requirements. Open space shall be provided, subject to the following:
- (1) Usable open space shall be a minimum area of one hundred (100) square feet with a minimum width of ten (10) feet. A minimum of forty percent (40%) of the required open space shall be usable for active recreation, such as swimming pools, tennis courts, tot-lots, ballfields and other similar activities. Water bodies shall not exceed fifteen percent (15%) of the required open space area.
 - (2) Open space may be owned, preserved and maintained by any of the following:
 - (a) Dedication of open space to the county or other appropriate public, nonprofit agency, upon written acceptance of such dedication.
 - (b) Common ownership by a homeowners' association which assumes responsibility for its maintenance.
 - (c) Private ownership in which restrictive covenants in the deeds prevent development of the open space and provide for maintenance responsibilities.
- C. Fee in lieu of designation and option. If the county and developer mutually agree that the open space requirements cannot be placed in the parcel, in whole or in part, the developer shall deposit with the County Recreation Trust Fund an amount equal to 110% of the

market value of the land that would otherwise be required to be designated as open space. The full value of the land as established by the State Department of Assessment and Taxation shall be presumed to be the value in the absence of contrary evidence; or if the county and developer agree the developer shall provide to the County in-kind services and/or products which are deemed to be commensurate in dollar value to the established fee in lieu of at a mutually agreed upon site within the general vicinity and/or recreation service area of the planned development. Any dollar difference in the fee in lieu of and the agreed upon value of the in-kind service or product shall be deposited into the County Recreation Trust Fund. [Amended by Bill No. 96-67]

§ 267-30. Low- and moderate-income housing bonus.

- A. Purpose. In order to encourage the production of housing for low- and moderate-income households, the maximum number of dwelling units permitted in the area to be developed may be increased by ten percent (10%), subject to the following:
 - (1) At least ten percent (10%) of the total dwelling units of the qualifying project must be rented or sold to low- and moderate-income households, of which fifty percent (50%) must be households consisting of more than three (3) people.
 - (2) For projects of more than twenty (20) dwelling units, not more than twenty percent (20%) of the units within the project shall be developed as low- and moderate-income housing.
 - (3) The applicant shall guarantee that the minimum number of dwelling units proposed for eligibility will be made available for rent or sale pursuant to income, rental and sales price guidelines certified by the County Housing Agency. The applicant shall cooperate with the County Housing Agency Administrator to identify qualifying households for the low- and moderate-income units.
 - (4) The project is not otherwise subsidized by federal or state programs used to finance development or provision of low- and moderate-income units.
- B. Design requirements. When dwelling units are developed under this section, the following design requirements shall apply:
 - (1) Dwelling units for low- and moderate-income households shall be subject to all other applicable requirements of this Part 1.
 - (2) All subsidized units shall be integrated into the overall design of the development and shall be intermixed throughout the development with exterior materials and appointments not differing from those of the other units in the project.
- C. Management requirements. When dwelling units are constructed under this section, the following management requirements shall apply:

- (1) All governmentally assisted units shall be managed in accordance with applicable regulations of the County Housing Agency.
- (2) Developers of low- and moderate-income housing shall be required to ensure that the dwelling units will continue to be available for rental or sale to persons of low- or moderate-income levels for such minimum period of time as is set forth in any applicable program or as may be required by the county. Acceptable forms of assurance include provisions for acquisition of the units by the County Housing Agency, restriction on the resale of units, use of management agreements or other means acceptable to the county.

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ARTICLE VA
Forest and Tree Conservation [Added by Bill No. 91-31]

§ 267-30.1. Definitions.

In this Article the following terms have the meanings indicated.

AFFORESTATION -- Means the creation, in an area that is not presently in forest cover, of a biological community dominated by trees and other woody plants at a density of at least 100 trees per acre with at least 50% of the trees having the capability of growing to a DBH of 2 inches or more within 7 years.

CRITICAL HABITAT AREA -- Means a habitat that:

- A. Is occupied by an endangered species, as determined or listed under the Natural Resources Article, § 4-2A-04 or 10-2A-04 of the Annotated Code of Maryland.
- B. Is likely to contribute to the long-term survival of the species;
- C. Is likely to be occupied by the species for the foreseeable future; and
- D. Constitutes habitat deemed critical under the Natural Resources Article, § 10-2A-06 of the Annotated Code of Maryland.

FOREST:

- A. "Forest" means a biological community dominated by trees and other woody plants covering a land area of 10,000 or more square feet.
- B. "Forest" includes:
 - (1) An area having at least 100 trees per acre, if at least 50% of the trees have a DBH of 2 inches or more; and
 - (2) Forest that has been cut but not cleared.
- C. "Forest" does not include orchards.

FOREST CONSERVATION -- Means the retention of existing forest or the creation of new forest.

FOREST COVER -- Means the area of a parcel meeting the definition of forest.

HIGH-DENSITY RESIDENTIAL USE -- Means land zoned for densities of more than 1 dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities, and water and sewer service.

LOW-DENSITY RESIDENTIAL USE -- Means undeveloped land zoned for densities of less than or equal to 1 dwelling unit per 5 acres.

MEDIUM-DENSITY RESIDENTIAL USE -- Means land zoned for a density of more than 1 dwelling unit per 5 acres and less than or equal to 1 dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities, and water and sewer service.

REFORESTATION -- Means the creation of a biological community dominated by trees and other woody plants at a density of at least 100 trees per acre with at least 50% of the trees having the capability of growing to a DBH of 2 inches or more within 7 years.

§ 267-30.2. Applicability.

- A. Except as provided in Subsection B of this section, this Article applies to any person, including the county, who applies after January 1, 1992, for subdivision approval, a grading permit, or a building permit for an area of land of 40,000 square feet or more.
- B. This Article does not apply to:
 - (1) Cutting or clearing conducted in accordance with a forest harvest permit issued under Chapter 214 of this Code, if the cutting or clearing:
 - (a) Is completed before July 1, 1991; or
 - (b) Is completed on or after July 1, 1991, and the property on which the cutting or clearing is conducted is not the subject of an application for a grading permit within 5 years after the cutting or clearing;
 - (2) Cutting or clearing in the Chesapeake Bay Critical Area Overlay District established under § 267-41.1 of this chapter;
 - (3) Cutting or clearing to further agriculture, if the land on which the cutting or clearing is conducted is not the site of development within 5 years after the clearing or cutting;
 - (4) Forest management activities conducted in accordance with a federal, state, or local forestry or woodland incentives program;
 - (5) If conducted so as to minimize the loss of forest, cutting or clearing of:
 - (a) Public utility rights-of-way; and

- (b) Land for an electrical generating station approved by the Public Service Commission under Article 78, §§ 54A, 54B, or 54I of the Annotated Code of Maryland;
 - (6) Routine maintenance of public utility rights-of-way;
 - (7) [Amended by Bill No. 93-11] Any development conducted on a single parcel described in the land records of January 1, 1992, of any size, if the development:
 - (a) Does not result in the cutting, clearing, or grading of more than 40,000 square feet of forest; and
 - (b) Does not result in the cutting, clearing, or grading of any forest that is subject to a previous forest conservation plan prepared under this Article; and
 - (8) Any strip or deep mining of coal regulated under the Natural Resources Article, Title 7 of the Annotated Code of Maryland, and any noncoal surface mining regulated under the Natural Resources Article, Title 7 of the Annotated Code of Maryland. [Amended by Bill No. 93-11]
- C. If land on which cutting or clearing has been conducted in accordance with an exemption under Subsections B(1)(b) or B(3) of this section is developed:
- (1) Within five (5) years after the cutting or clearing, the development is subject to this Article and the required forest conservation shall be calculated based on the acreage of forest that existed before the cutting or clearing; and
 - (2) More than five (5) years after the cutting or clearing, the development is subject to this Article and the required forest conservation shall be calculated based on the acreage of forest that exists after the cutting or clearing.

§ 267-30.3. General requirements.

- A. A person who applies after January 1, 1992, for subdivision approval, a grading permit, or a building permit for an area of land of forty thousand (40,000) square feet or more:
- (1) Shall submit to the Department:
 - (a) A forest stand delineation for the lot or parcel on which the development is located; and
 - (b) A forest conservation plan for the lot or parcel on which the development is located;
 - (2) Shall not, unless granted an exemption by the Department, perform any construction activity in the dripline of a tree that is to be retained; and

- (3) Shall use methods approved by the Department to protect retained trees during construction.
- B. Notwithstanding any other provision of this Article, the Department of Public Works shall plant at least one (1) tree for every two (2) trees of a DBH of eight (8) inches or more that it cuts or clears as part of a project to widen a county road.
- C. When planting trees in accordance with Subsection B of this section, the Department of Public Works shall meet the following criteria:
 - (1) The trees planted shall:
 - (a) Have at maturity approximately the same area of canopy as the trees that were cut or cleared; and
 - (b) Have a caliper of at least one and one-half (1½) inches;
 - (2) The trees shall be planted:
 - (a) If feasible, on the site or in the right-of-way used for the project; or
 - (b) If the owner of the abutting property requests, on property that abuts the site or the right-of-way used for the project;
 - (3) The trees shall be of the same species as those cut or cleared if:
 - (a) The owner of the abutting property so requests; and
 - (b) They are planted on abutting property;
 - (4) If the owner of the abutting property requests, the Department of Public Works shall pay the owner a fee in an amount equal to the cost of the trees that would have been planted on the abutting property under this section, and payment of the fee relieves the Department of Public Works of the duty to plant the trees.

§ 267-30.4. Forest stand delineation.

- A. A forest stand delineation shall be submitted before a preliminary subdivision plan, a grading permit application, or a building permit application is submitted for the lot or parcel being developed.
- B. The delineation shall be prepared by a licensed forester, licensed landscape architect, or other professional approved by the Department.
- C. The delineation shall include:

- (1) A topographic map delineating intermittent and perennial streams, and steep slopes over twenty-five percent (25%);
- (2) A soils map delineating soils with structural limitations, hydric soils, and soils with a soil K Value greater than thirty-five hundredths (0.35) on slopes of fifteen percent (15%) or more;
- (3) Forest stand maps indicating species, location, and size of trees, and showing dominant and codominant forest types; and
- (4) Any other information required by the Department.

D. Action by Department.

- (1) Within thirty (30) calendar days after receipt of the forest stand delineation, the Department shall notify the applicant whether the forest stand delineation is complete and correct.
- (2) If the Department fails to notify the applicant within thirty (30) calendar days the delineation shall be treated as complete and correct.
- (3) The Department may require further information or extend the deadline for an additional fifteen (15) calendar days under extenuating circumstances.

§ 267-30.5. Forest conservation plan.

- A. A forest conservation plan shall be prepared by a licensed forester, a licensed landscape architect, or other professional approved by the Department.
- B. A forest conservation plan shall:
- (1) Be submitted with the first of the following submitted for the site:
 - (a) A preliminary subdivision plan;
 - (b) An application for a grading permit; or
 - (c) An application for a building permit;
 - (2) Include a map of the site drawn at the same scale as the grading or subdivision plan;
 - (3) Include a table that lists, in square feet;
 - (a) The net tract area;

- (b) The total area of forest conservation required; and
 - (c) The total area of forest conservation that the applicant proposes to provide, including both on-site and off-site areas;
- (4) Include a clear graphic indication of the forest conservation provided on the site, showing areas where retention of existing forest or afforestation is planned;
- (5) Include a construction timetable indicating the phasing of the project and showing the sequence for tree conservation procedures;
- (6) Include an afforestation and reforestation plan with a proposed schedule and description of needed site and soil preparation, species, size, and spacing to be utilized;
- (7) Show locations and types of protective devices to be used during construction activities to protect trees and areas of forest designated for conservation;
- (8) Show the planned limits of disturbance;
- (9) Show planned stockpile areas;
- (10) Incorporate a commitment to complete all required afforestation and reforestation in accordance with the schedule established by the Department in the approved forest conservation plan;
- (11) Incorporate a binding 2-year management agreement that details how the areas designated for afforestation or reforestation will be maintained to insure protection or satisfactory establishment, including:
 - (a) Watering; and
 - (b) Reinforcement planting provisions if survival rates fall below required standards;
- (12) Include any plan for individual tree plantings proposed under § 267-30.10 of this Article;
- (13) Incorporate a binding protective agreement that:
 - (a) Provides protection for areas of forest conservation, including areas of afforestation, reforestation, retention, and individual tree plantings;
 - (b) Limits uses in areas of forest conservation to those uses that are consistent with forest conservation, including recreational activities and any forest management practice that is used to preserve forest; and

- (c) Incorporates conservation easements, deed restrictions, covenants, and other agreements as necessary; and
- (14) Any other information the Department requires.
- C. Action by Department.
 - (1) Within 45 calendar days after receipt of the forest conservation plan, the Department shall notify the applicant whether the forest conservation plan is complete and approved.
 - (2) If the Department fails to notify the applicant within 45 calendar days, the plan shall be treated as complete and approved.
 - (3) The Department may require further information or extend the deadline for an addition 15 calendar days under extenuating circumstances.
 - (4) At the request of the applicant, the Department may extend the deadline under extenuating circumstances.
- D. The Department's review of a forest conservation plan shall be concurrent with the review of the subdivision plan, grading permit application, or building permit application associated with the project.
- E. [Amended by Bill No. 93-11] The Department may revoke an approved forest conservation plan if it finds that:
 - (1) Any provision of the plan has been violated;
 - (2) Approval of the plan was obtained through fraud, misrepresentation, a false or misleading statement, or omission of a relevant or material fact; or
 - (3) Changes in the development or in the condition of the site necessitate preparation of a new or amended plan.
- F. In revoking an approved forest conservation plan under Subsection E of this section, the Department shall follow the procedure for revocation of zoning certificates that is set forth in § 267-8E of this chapter. [Amended by Bill No. 93-11]
- G. [Amended by Bill No. 93-11] If a forest conservation plan is required by this Article, a person may not cut, clear, or grade on the development site:
 - (1) Until the Department has approved the plan; or
 - (2) In violation of the approved plan.

§ 267-30.5.1. Abbreviated process. [Added by Bill No. 93-11]

- A. In this section, "parcel" means a parcel described in the land records as of the effective date of County Council Bill No. 93-11.
- B. This section applies only to the first 5 lots created from a parcel.
- C. A person is not required to submit a forest stand delineation or a forest conservation plan for a subdivision of 5 or fewer residential lots if:
 - (1) Development will not result in the cutting, clearing, or grading of:
 - (a) A cumulative total of more than 40,000 square feet of forest on the parcel; and
 - (b) Forest that is subject to an approved forest conservation plan;
 - (2) The person files with the preliminary subdivision plan a declaration of intent stating that development will be conducted in accordance with Paragraph (1) of this subsection; and
 - (3) The forest to be retained on the parcel is designated as such on the preliminary subdivision plan and the final subdivision plat.
- D. A person may file an abbreviated forest stand delineation for a subdivision of 5 or fewer residential lots if:
 - (1) Development will result in the cutting, clearing, or grading of a cumulative total of more than 40,000 square feet of forest on the parcel;
 - (2) Development will not result in the cutting, clearing, or grading of forest that is subject to an approved forest conservation plan;
 - (3) The abbreviated forest stand delineation is prepared in accordance with the standards for such delineations in the Department's Forest Conservation Manual; and
 - (4) A forest conservation plan is also submitted for the site.
- E. A person who files an abbreviated forest stand delineation may file the delineation and the forest conservation plan for the site at the same time.
- F. Within 60 calendar days after receipt of the abbreviated forest stand delineation and the forest conservation plan, the Department shall notify the applicant as to whether the delineation and plan are complete and approved.

- G. If the abbreviated forest stand delineation and the forest conservation plan are submitted separately, the period of 60 calendar days established by Subsection F of this section starts from the later date of submission.
- H. If the Department fails to notify the applicant within 60 calendar days, the delineation and the plan shall be treated as complete and approved.
- I. The department may require further information or extend the deadline for an additional 15 calendar days under extenuating circumstances.

§ 267-30.6. Retention and afforestation.

- A. A person who applies after January 1, 1992, for subdivision approval, a grading permit, or a building permit for an area of land of 40,000 square feet or more:
 - (1) Shall conduct afforestation on the lot or parcel in accordance with the following:
 - (a) For the following land use categories, a site with less than twenty percent (20%) of its net tract area in forest cover shall be afforested up to at least twenty percent (20%) of the net tract area:
 - [1] Natural resources;
 - [2] Medium-density residential uses; and
 - [3] Low-density residential uses; and
 - (b) For the following land use categories, a site with less than fifteen percent (15%) of its net tract area in forest cover shall be afforested up to at least fifteen percent (15%) of the net tract area:
 - [1] Business uses;
 - [2] Industrial uses;
 - [3] Institutional uses; and
 - [4] High-density residential uses; and
 - (2) Shall retain at least the following minimum percentages of the existing forest on the lot or parcel:

<u>Type of Use</u>	<u>Minimum Percentage of Forest to be Retained</u>
Natural resources and low-density residential uses	50%
Medium-density residential uses	40%
Institutional uses	30%
High-density residential uses	30%
Business and industrial uses	15%

- B. Subsection A(2) of this section does not apply to the development of a water line, a sewer line, or a sanitary landfill.
- C. The following trees, shrubs, plants, and specific areas shall be considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Department, that reasonable efforts have been made to protect them and the plan cannot be reasonably altered:
- (1) Trees, shrubs, and plants located in sensitive areas, including the Floodplain District established under Chapter 131 of this Code, intermittent and perennial streams and their buffers, steep slopes, and critical habitat areas;
 - (2) Contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site;
 - (3) Trees, shrubs, or plants identified on the list of rare, threatened, and endangered species of the United States Fish and Wildlife Service or the State Department of Natural Resources;
 - (4) Trees that:
 - (a) Are part of a historic site;
 - (b) Are associated with a historic structure; or
 - (c) Have been designated by the state or the Department as a national, state, or county champion tree; and
 - (5) Trees having a DBH of:
 - (a) Twenty-four (24) inches or more; or
 - (b) Seventy-five percent (75%) of the DBH of the current state champion tree of that species.
- D. Subsection C of this section does not require retention of:
- (1) A tree that is dead or diseased;

- (2) A tree that has been substantially damaged through natural causes and is not expected to survive; or
- (3) Unless it is located in an area of forest to be retained, a non-champion tree with a DBH of thirty (30) inches or more.

§ 267-30.7. Reforestation.

- A. There is a forest conservation threshold established for each land use category, as provided in Subsection B of this section. The forest conservation threshold means the percentage of the net tract area at which the reforestation requirement changes from a ratio of one-fourth ($\frac{1}{4}$) acre planted for every acre removed to a ratio of two (2) acres planted for every acre removed.
- B. After every reasonable effort to minimize the cutting or clearing of trees and other woody plants is exhausted in the development of a subdivision plan and grading and sediment control activities and implementation of the forest conservation plan, the forest conservation plan shall provide for reforestation, or payment into the forest conservation account, according to the formula set forth in Subsection C of this section and consistent with the following forest conservation threshold for the applicable land use category:

<u>Category of Use</u>	<u>Threshold Percentage</u>
Natural resources uses	50%
Low-density and medium-density residential uses	40%
Institutional uses	30%
High-density residential uses	30%
Business and industrial uses	15%

- C. Subject to Subsection D of this section, for all existing forest cover measured to the nearest one-tenth acre cleared on the net tract area above the threshold established by this section, the area of forest removed shall be reforested at a ratio of $\frac{1}{4}$ acre planted for every acre removed. [Amended by Bill No. 93-11]
- D. Each acre of forest retained on the net tract area above the threshold shall be credited against the total number of acres required to be reforested under Subsection C of this section. [Amended by Bill No. 93-11]
- E. For all existing forest cover measured to the nearest one-tenth acre cleared on the net tract area below the threshold established by this section, the area of forest removed shall be reforested at a ratio of 2 acres planted for every acre removed. [Added by Bill No. 93-11]

§ 267-30.8. Priorities and time requirements for afforestation and reforestation.

- A. The required sequence for forest conservation, after techniques for retaining existing forest on the site have been exhausted, is as follows:
 - 1) Selective clearing and supplemental planting on site;

- 2) On-site afforestation, if economically feasible, using transplanted or nursery stock that is greater than one and one-half (1½) inches DBH;
 - 3) On-site afforestation using whip and seedling stock;
 - 4) On-site individual tree plantings conducted in accordance with § 267-30.10 of this Article;
 - 5) Landscaping of areas under a landscaping plan that establishes a forest that is at least thirty-five (35) feet wide and covers at least two thousand five hundred (2,500) square feet of area;
 - (6) Off-site afforestation using transplanted or nursery stock that is greater than one and one-half (1½) inches DBH;
 - (7) Off-site afforestation using whip and seedling stock;
 - (8) Natural regeneration on-site; and
 - (9) Natural regeneration off-site.
- B. A sequence other than the one described in Subsection A of this section may be used for a specific project if necessary to achieve the objectives of the County Land Use Plan or county land use policies or to take advantage of opportunities to consolidate forest conservation efforts.
- C. The following are priorities for reestablishment:
- (1) Forest buffers adjacent to intermittent and perennial streams, to widths of at least 50 feet;
 - (2) Forest corridors, connecting existing forests within or adjacent to the site, to widths of at least 300 feet where possible;
 - (3) Forest buffers adjacent to critical habitat areas;
 - (4) Plantings to stabilize slopes of 25% or greater and slopes of 15% or greater with a soil K Value greater than 0.35, including the slopes of ravines or other natural depressions;
 - (5) Plantings in the Natural Resources District established under § 267-41 of this chapter;
 - (6) Buffers adjacent to areas of differing land use, where appropriate, or adjacent to highways or utility rights-of-way; and

- (7) Forested areas adjacent to existing forests so as to increase the overall area of contiguous forest cover, when appropriate.
- D. A person required to conduct afforestation or reforestation under this Article shall accomplish the afforestation or reforestation in accordance with the schedule established by the Department in the approved forest conservation plan. The Department shall ensure that the schedule is structured to:
 - (1) Require completion of the afforestation or reforestation within 2 years;
 - (2) Provide an optimum opportunity for successful afforestation;
 - (3) Avoid delay to development and construction activities; and
 - (4) Take into consideration the phasing of the development project.

§ 267-30.9. Payment in lieu of afforestation and reforestation.

- A. If a person required to conduct afforestation or reforestation under this Article demonstrates to the satisfaction of the Department that reforestation or afforestation on-site or off-site cannot be reasonably accomplished, the person shall contribute money at a rate of 40 cents per square foot of the area of required planting to the county.
- B. Money contributed in lieu of afforestation or reforestation under this subsection shall be paid within 90 calendar days after issuance of the grading permit or building permit for the development project, whichever occurs first.
- C. The county shall accomplish the reforestation or afforestation for which the money is deposited within 3 years after receipt of the money.
- D. Money contributed under this section shall remain in the account for a period of 3 years, and at the end of that time any portion that has not been used to meet the reforestation requirements shall be returned to the person who provided the money.
- E. Money contributed under this section:
 - (1) May be used only for reforestation and afforestation, including site identification, acquisition, and preparation;
 - (2) Shall be deposited in a separate forest conservation account; and
 - (3) Shall not revert to the general fund.

§ 267-30.10. Individual tree plantings.

- A. Individual tree plantings conducted in accordance with § 267-30.8A of this Article shall be credited towards the remaining forest conservation requirement in an amount equal to the square footage of the area of mature canopy of the individual trees planted. [Amended by Bill No. 93-11]
- B. To qualify for a credit under this section, the plantings shall:
 - (1) Be conducted in accordance with a landscaping plan submitted with the forest conservation plan;
 - (2) Be conducted in areas protected in accordance with § 267-30.5B(13) of this Article; and
 - (3) Include trees of a caliper of at least one and one-half (1½) inches.
- C. The landscaping plan shall include:
 - (1) A list of the proposed tree species to be utilized;
 - (2) The number of trees to be planted;
 - (3) A calculation of the square footage of the mature canopy of the trees; and
 - (4) An overlay showing the location of the trees on the preliminary subdivision plan or the concept plan.
- D. The location, spacing, and species of trees planted in accordance with this section shall be as approved by the Department in the forest conservation plan, and the Department shall encourage plantings along streets, between buildings, in parking lots, and in other common-area sites where the plantings may provide buffering, energy conservation, and other environmental benefits.
- E. Planting under this section shall be conducted in accordance with urban forestry standards recognized by the Forestry Division of the Maryland Department of Natural Resources.

§ 267-30.11. Required tree species.

- A. Tree species used for afforestation and reforestation shall be native to the county and selected from a list of approved species established by the Department.
- B. Tree species for individual tree plantings conducted in accordance with § 267-30.10 of this Article shall be selected from a list of approved species established by the Department.

- C. The Department may approve a request for permission to use a species that is not on the list of approved species if the request:
 - (1) Is in writing;
 - (2) Describes the circumstances that make use of the species appropriate; and
 - (3) Is not based solely in economic factors.
- D. On or before December 31, 1991, the Department shall issue guidelines establishing a list of tree species to be used for afforestation, reforestation, and individual tree plantings. [Amended by Bill No. 91-72]

§ 267-30.12. Surety for forest conservation.

- A. Before receiving a grading permit or a building permit, a person required to conduct afforestation, reforestation, or individual tree plantings under this Article shall furnish surety in the form of a bond, an irrevocable letter of credit, or other security approved by the Department. The surety shall:
 - (1) Assure that the afforestation, reforestation, and individual tree plantings are conducted and maintained in accordance with the approved forest conservation plan;
 - (2) Be in an amount equal to the estimated cost, as determined by the Department, of afforestation, reforestation, and individual tree plantings;
 - (3) If the development is scheduled to be constructed in phases, cover the portion of the development within the limits of disturbance delineated in the grading permit application; and
 - (4) Be in a form and of a content approved by the County Attorney.
- B. If after 1 growing season the afforestation, reforestation, and individual tree plantings meet or exceed the standards of the forest cover conservation and replacement manual, two-thirds of the amount of any cash bond that has been posted shall be returned. If the surety has been given in the form of a letter of credit, a surety bond, or another form of surety, the county shall notify the appropriate entity that liability has been reduced by two-thirds (2/3).
- C. If after two (2) growing seasons the afforestation, reforestation, and individual tree plantings meet or exceed the standards of the Forest Cover Conservation and Replacement Manual, the remaining amount of the cash bond, letter of credit, surety bond, or other surety shall be returned or released.

§ 267-30.13. Standards for protecting trees from construction activities.

- A. Before cutting, clearing, grading, or construction begins on a site for which a forest conservation plan is required by this Article:
 - (1) All forest that is to be retained shall be clearly marked with flags, signs, or other materials approved by the Department;
 - (2) Protection devices approved by the Department shall be installed; and
 - (3) The Department shall inspect the site to ensure that the marking and protection devices are in place.
- B. Unless approved by the Department, the following activities are prohibited within the dripline of a tree that is to be retained:
 - (1) Grading;
 - (2) Filling;
 - (3) Trenching;
 - (4) Tunneling;
 - (5) Storage of construction materials or equipment;
 - (6) Placement or operation of vehicles, equipment, or construction trailers;
 - (7) Sediment and erosion control devices; and
 - (8) Any other activity that may result in soil compaction or damage to a tree.
- C. When granting approval for an activity listed in Subsection B of this section, the Department shall require that appropriate actions to mitigate tree damage be undertaken, including but not limited to such actions as root aeration, tree wells, and pruning.
- D. [Amended by Bill No. 91-72] After consultation with the Forestry Division of the Maryland Department of Natural Resources, the Department shall issue, on or before December 31, 1991, guidelines establishing standards for:
 - (1) Granting approval for the activities listed in Subsection B of this section; and
 - (2) The mitigation activities required by Subsection C of this section.

§ 267-30.14. Variances.

- A. The Board of Appeals may grant a variance to this Article in accordance with this section and § 267-11 of this chapter.
- B. In granting a variance to this Article the Board shall issue specific written findings of fact demonstrating that the granting of the variance will not adversely affect water quality.

§ 267-30.15. Violations and penalties.

- A. A person who violates any provision of this Article or any regulation or order adopted or issued under this Article is liable for a penalty not exceeding one thousand dollars (\$1,000.) which may be recovered in a civil action brought by the Department. Each day a violation continues is a separate violation.
- B. A person who violates any provision of a forest conservation plan or an associated management plan approved under this Article is liable for a penalty of one dollar and twenty cents (\$1.20) per square foot of the area found to be in violation of the plan or agreement, which may be recovered in a civil action brought by the Department. Each day a violation continues is a separate violation.
- C. Money collected under Subsection B of this section shall be deposited in the forest conservation account required by § 267-30.8 of this Article, and may be used by the Department for purposes related to implementing this Article.

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ARTICLE VI
District Regulations
[Amended by Bill Nos. 82-54; 83-10; 83-24; 83-74; 84-13; 84-37]

§ 267-31. General provisions.

The principal uses permitted in each district are set forth in Table I and § 267-32. The minimum design standards and specific regulations for each district are set forth in § 267-33 and in Tables II through XV.

§ 267-32. Principal permitted uses by district.

Table I specifies the principal permitted uses in each district. Only those uses with a letter designation are permitted, subject to other requirements of this Part 1. Uses designated as "P" are permitted uses. Uses designated as "SD" are permitted pursuant to the special development regulations in Article VII of this Part 1. Uses designated as "SE" are special exception uses subject to approval of the Board pursuant to § 267-9, Board of Appeals. Uses designated as "T" are permitted pursuant to § 267-27, Temporary uses. A blank cell indicates that the use is not permitted.

§ 267-33. Requirements for specific districts.

This Article sets forth the requirements for specific districts and includes the minimum lot area, area per dwelling or family unit, parcel area, lot width, yards, setbacks and maximum building height allowed for uses permitted for each district. Uses permitted under the special development regulations shall also comply with the requirements contained in Article VII.

Table I:**Principal Permitted Uses for Specific Zoning Districts:****AMUSEMENTS**

[Amended by Bill Nos. 82-54; 83-32; 88-85; 88-87; 95-71; 96-66; 97-12; 98-37; 99-59; 05-39 as amended]

USE CLASSIFICATION	ZONING DISTRICTS																
AMUSEMENTS	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Adult Book Stores, adult entertainment centers													P				
Agricultural public events	P																
Arenas and stadiums													SE	SE	SE	SE	
Carnivals, circuses, concerts & public events (excluding religious activities)	T								T	T	T	T	T	T	T	T	
Commercial amusement and recreation										P		P	P	P			
Country clubs, golf clubs, tennis and swim clubs	SE	SE	SE	SE	SE	SE	SE					P	P	P		SE	P
Fairgrounds, racetracks, and theme parks	SE													SE	SE	SE	
Marinas, boat launching, storage and repair	SE	SE	SE	SE	SE	SE	SE				SE	SE	P	P	SE	P	
Motor vehicle recreation and go-cart tracks	SE															SE	
Nightclubs, lounges, bars and taverns										P			P	P			
Noncompetitive recreational amusement cars														P			
Private parties and receptions	SD																
Riding stables, commercial or club (except accessory uses)	SD												P	P			
Theaters, indoor	SE									P		P	P	P			
Theaters, outdoor; shooting ranges, indoor; and golf driving ranges	SE									P			P	P			
Trap, skeet, rifle and archery ranges, outdoor	SE													SE		SE	

KEY:

- "P" indicates permitted subject to applicable code requirements
 "SD" indicates permitted subject to special-development regulations, pursuant to Article VII.
 "SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.
 "T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.
 A blank cell indicates that the use is not permitted.

Table I:**Principal Permitted Uses for Specific Zoning Districts:****INDUSTRIAL****(Part 1)**

[Amended by Bill Nos. 82-54; 88-85; 88-87; 97-12; 97-61; 99-59; 05-39]

USE CLASSIFICATION	ZONING DISTRICTS																
INDUSTRIAL	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Food and kindred products (SIC-20), unless otherwise listed															P	P	
Dairy products (SIC-202)	P													P	P	P	
Preserved fruits and vegetables (SIC-203)	P													P	P	P	
Bakery products (SIC-205)	P												P	P	P	P	
Bottled and canned soft drinks (SIC-2086)														P	P	P	
Flavoring extracts and syrups (SIC-2087)														P	P	P	
Manufactured ice (SIC-2097)	P												P	P		P	
Tobacco manufacturers (SIC-21)														P		P	
Textile mill products (SIC-22)														P	P	P	
Apparel and other textile products (SIC-23)														P	P	P	
Lumber and wood products (SIC-24), unless otherwise listed	SD															P	
Millwork															P	P	
Wood kitchen cabinets (SIC-2434)	SD													P	P	P	
Wood containers (SIC-244)	SD													P	P	P	

KEY:

"P" indicates permitted subject to applicable code requirements

"SD" indicates permitted subject to special-development regulations, pursuant to Article VII.

"SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.

"T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.

A blank cell indicates that the use is not permitted.

Table I:**Principal Permitted Uses for Specific Zoning Districts:**

[Amended by Bill Nos. 82-54; 86-12; 88-85; 88-87; 97-12; 97-61; 99-59; 02-20; 05-39]

**INDUSTRIAL
(Part 2)**

USE CLASSIFICATION	ZONING DISTRICTS																
INDUSTRIAL	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Wood products (SIC-2499)	SD													P	P	P	
Furniture and fixtures (SIC-24), unless otherwise listed	SD													P	P	P	
Paper and allied products (SIC-26), unless otherwise listed																SE	
Custom made wood household furniture													P	P	P	P	
Paper bond containers and boxes (SIC-265)														P	P	P	
Miscellaneous converted paper products (SIC-264)														P	P	P	
Printing and publishing (SIC-27), unless otherwise listed													P	P	P	P	
Newspapers (printing shop in excess of 5,000 s.f.) (SIC-271)														P	P	P	
Chemicals and allied products (SIC-28), unless otherwise listed																P	
Biological products (SIC-2831)														SE	SE	SE	P
Medical chemicals & botanical products (SIC-2832)														P	P	P	P
Pharmaceutical preparation (SIC-2834)														P	P	P	P
Toilet preparations (SIC-2844)														P	P	P	
Fertilizers, mixing only (SIC-2875)	SD													P		P	

KEY:

"P" indicates permitted subject to applicable code requirements

"SD" indicates permitted subject to special-development regulations, pursuant to Article VII.

"SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.

"T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.

A blank cell indicates that the use is not permitted.

Table I:**Principal Permitted Uses for Specific Zoning Districts:**

[Amended by Bill Nos. 82-54; 88-85; 88-87; 97-12; 97-61; 99-59; 05-39]

**INDUSTRIAL
(Part 3)**

USE CLASSIFICATION	ZONING DISTRICTS																
INDUSTRIAL	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Miscellaneous chemical plants (SIC-2899)														P		P	
Laboratory research experimental or testing (SIC-873)	SE									P			P	P	P	P	P
Petroleum and coal products (SIC-29), unless otherwise listed														P		P	
Petroleum refining (SIC-291)																SE	
Lubricating oils and greases (SIC-2992)																SE	
Rubber & misc. plastic products (SIC-30), unless otherwise listed														P	P	P	
Tires and inner tubes (SIC-301)																P	
Reclaimed rubber (SIC-3031)																P	
Leather and leather products (SIC-31), unless otherwise listed	SD													P	P	P	
Leather tanning and finishing (SIC-3111)	SD														P	P	
Stone, clay and glass products (SIC-32), unless otherwise listed	SD														P	P	
Flat glass (SIC-321)														P	P	P	
Glass and glassware, pressed or blown (SIC-322)	SD													P	P	P	
Glass products of purchased glass (SIC-323)														P	P	P	

KEY:

"P" indicates permitted subject to applicable code requirements

"SD" indicates permitted subject to special-development regulations, pursuant to Article VII.

"SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.

"T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.

A blank cell indicates that the use is not permitted.

Table I:**Principal Permitted Uses for Specific Zoning Districts:****INDUSTRIAL****(Part 4)**

[Amended by Bill Nos. 82-54; 88-85; 88-87; 97-12; 97-61; 99-59; 05-39]

USE CLASSIFICATION	ZONING DISTRICTS																
INDUSTRIAL	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Asbestos products (SIC-3292)																SE	
Non-metallic mineral products (SIC-3299)														P	P	P	
Primary metal industries (SIC-33), unless otherwise listed														P	P	P	
Blast furnace (SIC-3312)																P	
Electrometallurgical products (SIC-3313)														P	P	P	
Primary smelting and refining (SIC-333)																P	
Secondary smelting and refining (SIC-334)																P	
Fabricated metal products (SIC-34), unless otherwise listed	SD													P	P	P	
Fabricated structural metal (SIC-3441)																P	
Fabricated plate work (SIC-3443)																P	
Metal forgings and stampings (SIC-346)															P	P	
Metal stampings, NEC (SIC-3469)														P	P	P	
Ordinance and accessories (SIC-348)															SE	P	
Small arms ammunition															SE	SE	

KEY:

"P" indicates permitted subject to applicable code requirements

"SD" indicates permitted subject to special-development regulations, pursuant to Article VII.

"SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.

"T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.

A blank cell indicates that the use is not permitted.

Table I:**Principal Permitted Uses for Specific Zoning Districts:**

[Amended by Bill Nos. 82-54; 88-85; 88-87; 97-12; 97-61; 99-59; 05-39]

**INDUSTRIAL
(Part 5)**

USE CLASSIFICATION	ZONING DISTRICTS																
INDUSTRIAL	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Ammunition, except for small arms (SIC-3483)															SE	SE	
Miscellaneous fabricated metal products (SIC-349)														P	P	P	
Machinery, except electrical (SIC-35), unless otherwise listed														P	P	P	
Engines and turbines (SIC-351)																P	
Farm machinery and equipment (SIC-352)	SD															P	
Construction and related equipment (SIC-353)																P	
Office, computing and accounting machines (SIC-357)														P	P	P	P
Electric and electronic equip. (SIC-36), unless otherwise listed														P	P	P	P
Radio and television receiving sets (SIC-366)														P	P	P	
Communication equipment (SIC-366)														P	P	P	P
Electronic components and accessories (SIC-367)														P	P	P	P
Miscellaneous electrical machinery (SIC-369)														P	P	P	

KEY:

"P" indicates permitted subject to applicable code requirements

"SD" indicates permitted subject to special-development regulations, pursuant to Article VII.

"SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.

"T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.

A blank cell indicates that the use is not permitted.

Table I:**Principal Permitted Uses for Specific Zoning Districts:****INDUSTRIAL**

[Amended by Bill Nos. 82-54; 88-85; 88-87; 97-12; 05-39]

(Part 6)

USE CLASSIFICATION	ZONING DISTRICTS																
INDUSTRIAL	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Transportation equipment (SIC-37)																P	
Boat building and repairing (SIC-3732)														P	P	P	
Instruments and related products (SIC-38)														P	P	P	
Miscellaneous manufacturing (SIC-39)														P	P	P	P
Offal or dead animal disposal or processing	SE															SE	

KEY:

- "P" indicates permitted subject to applicable code requirements
- "SD" indicates permitted subject to special-development regulations, pursuant to Article VII.
- "SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.
- "T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.
- A blank cell indicates that the use is not permitted.

Table I:**Principal Permitted Uses for Specific Zoning Districts:****INSTITUTIONAL**

[Amended by Bill Nos. 85-19; 88-85; 88-87; 90-6; 90-30; 91-66; 97-12; 97-54; 00-56; 05-39]

USE CLASSIFICATION	ZONING DISTRICTS																
INSTITUTIONAL	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Cemeteries, memorial gardens and crematories	SE	SE	SE	SE	SE	SE	SE		SE	SE	SE	SE	SE	SE			
Civic service clubs and fraternal organizations	SE	SE	SE	SE	SE	SE	SE	P	SE	P	P	P	P	P			P
Community centers or assembly halls	SE	SE	SE	SE	SE	SE	SE	P	SE	P	P	P	P	P			P
Day-care centers	SE	SE	SE	SE	SE	SE	SE	P	SE	P	P	P	P	SE	SE	SE	P
Fire stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fire stations with fire station assembly hall	P	SE	SE	SE	SE	SE	SE		SE	P	P	P	P	P			P
Hospitals					SE	SE	SE	SE	SE	P	P	P	P	P			P
Houses of worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Libraries	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Parks; recreation areas, centers and facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Prisons													P	P			
Schools, colleges, and universities	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		
Planned Employment Centers							P*						P*	P*	P*	P*	

KEY:

- "P" indicates permitted subject to applicable code requirements
- "SD" indicates permitted subject to special-development regulations, pursuant to Article VII.
- "SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.
- "T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.
- * indicates permitted in the Edgewood Neighborhood Overlay District only

A blank cell indicates that the use is not permitted.

Table I:**Principal Permitted Uses for Specific Zoning Districts:****MOTOR VEHICLES AND RELATED SERVICES**

[Amended by Bill Nos. 82-53; 87-8; 87-86; 88-85; 88-87; 97-12; 99-59; 05-39]

USE CLASSIFICATION	ZONING DISTRICTS																
	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Car Wash										P		P	P	P			
Commercial vehicle and equipment (storage)	SE									SE			P	P		P	
Commercial vehicle construction and industrial equipment sales and service										P			P	P		P	
Commercial or construction vehicle and equipment storage	SD																
Farm vehicles and equipment sales and service	SE									P			P	P		P	
Farm vehicles and equipment storage, service, and repair	SD																
Motor vehicle filling and service stations										P		P	P	P			P
Motor vehicle repair shops	SE									P	SE	P	P	P			
Motor vehicle rental and leasing										P			P	P			P
Motor vehicle sales and service										P			P	P			
Salvage and junk yards																SE	
School buses, storage	SD																

KEY:

- "P" indicates permitted subject to applicable code requirements
- "SD" indicates permitted subject to special-development regulations, pursuant to Article VII.
- "SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.
- "T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.
- A blank cell indicates that the use is not permitted.

Table I:

Principal Permitted Uses for Specific Zoning Districts:

NATURAL RESOURCES

[Amended by Bill Nos. 83-10; 88-85; 88-87; 97-12; 05-39]

USE CLASSIFICATION	ZONING DISTRICTS																
	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
NATURAL RESOURCES																	
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Agriculture product processing or agricultural research laboratories	P									P			P	P	P	P	
Forestry	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Greenhouses and nurseries, commercial	P									P		P	P	P		P	
Mineral extraction and processing	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P		P	
Sawmills	SE												SE	P		P	
Wildlife refuge	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

KEY:

- "P" indicates permitted subject to applicable code requirements
- "SD" indicates permitted subject to special-development regulations, pursuant to Article VII.
- "SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.
- "T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.

A blank cell indicates that the use is not permitted.

Table I:**Principal Permitted Uses for Specific Zoning Districts:****RESIDENTIAL: Conventional Development**

Amended by Bill Nos. 84-37; 88-85; 88-87; 97-12; 97-54; 00-10; 00-56; 05-39

USE CLASSIFICATION	ZONING DISTRICTS																
RESIDENTIAL: Conventional Development	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Single Family detached dwellings	P	P	P	P	P	P	P	P	P	P	P	P	P				
Lot-line dwellings							P		P								
Semi-detached dwellings							P	P	P	P	P	P	P				
Duplex dwellings							P	P	P	P	P	P	P				
Patio/court/atrium dwellings							P										
Townhouse dwellings																	
Multiplex dwellings																	
Row duplex dwellings																	
Garden apartment dwellings*							SD**	P					SE SD **				
Mid-rise apartment dwellings							SD**						SE SD **				
High-rise apartment dwellings													SE				
Mobile homes	P					SE	SE		SE	SE	SE	SE	SE				
Mobile home subdivisions	P					SD	SD										
Mixed Use Center							SD** p***					SD** p***	SD** p***	SD** p***			
Traditional Neighborhood Developments				P***	P***	P***	P***										

KEY:

- "P" indicates permitted subject to applicable code requirements
 "SD" indicates permitted subject to special-development regulations, pursuant to Article VII.
 "SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.
 "T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.
 * RO-Maximum of four (4) units
 ** indicates permitted subject to special-development regulations in the Commercial Revitalization District (CRD) only
 indicates permitted in the Edgewood Neighborhood Overlay District
 *** (ENOD) only
 A blank cell indicates that the use is not permitted.

Table I:

Principal Permitted Uses for Specific Zoning Districts:

RESIDENTIAL: Conservation Development

[Added by Bill No. 95-31; amended by Bill No. 97-12; 05-39]

USE CLASSIFICATION	ZONING DISTRICTS																
RESIDENTIAL: Conservation Development	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Single-Family detached dwellings	SD	SD															

KEY:

- "P" indicates permitted subject to applicable code requirements
- "SD" indicates permitted subject to special-development regulations, pursuant to Article VII.
- "SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.
- "T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.

A blank cell indicates that the use is not permitted.

Table I:**Principal Permitted Uses for Specific Zoning Districts:****RESIDENTIAL: Conventional with Open Space**

[Amended by Bill Nos.82-54; 84-37; 86-18; 87-22; 88-85; 88-87; 94-10; 97-12; 05-39]

USE CLASSIFICATION	ZONING DISTRICTS																
RESIDENTIAL: Conventional with Open Space	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Single Family detached dwellings				SD	SD	SD	SD										
Lot-line dwellings					SD	SD	SD										
Semi-detached dwellings					SD	SD	SD										
Duplex dwellings					SD	SD	SD										
Patio/court/atrium dwellings					SD	SD	SD										
Townhouse dwellings					SD	SD	SD										
Carriage court units						SD	SD										
Cluster townhouse dwellings					SD	SD	SD										
Multiplex dwellings					SD	SD	SD										
Row duplex dwellings						SD	SD										
Garden apartment dwellings						SD	SD										
Mid-rise apartment dwellings							SD										
High-rise apartment dwellings							SE										
Mobile home subdivisions						SD	SD										

KEY:

"P" indicates permitted subject to applicable code requirements

"SD" indicates permitted subject to special-development regulations, pursuant to Article VII.

"SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.

"T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.

A blank cell indicates that the use is not permitted.

Table I:

Principal Permitted Uses for Specific Zoning Districts:

RESIDENTIAL: Conventional with Open Space (cont.)

USE CLASSIFICATION	ZONING DISTRICTS																
RESIDENTIAL: Conventional with Open Space (cont.)	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Mobile homes						SE	SE										

KEY: "P" indicates permitted subject to applicable code requirements
"SD" indicates permitted subject to special-development regulations, pursuant to Article VII.
"SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.
"T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.
A blank cell indicates that the use is not permitted.

Table I:**Principal Permitted Uses for Specific Zoning Districts:****RESIDENTIAL: Planned Residential Development**

Amended by Bill Nos. 82-54; 83-75; 84-37; 87-22; 88-85; 88-87; 94-10; 97-12; 98-36; 05-39]

USE CLASSIFICATION	ZONING DISTRICTS																
RESIDENTIAL: Planned Residential Development	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Single Family detached dwellings						SD	SD										
Lot-line dwellings						SD	SD										
Semi-detached dwellings						SD	SD										
Duplex dwellings						SD	SD										
Patio/court/atrium dwellings						SD	SD										
Townhouse dwellings						SD	SD										
Cluster townhouse dwellings						SD	SD										
Multiplex dwellings						SD	SD										
Row duplex dwellings						SD	SD										
Garden apartment dwellings*						SD	SD										
Mid-rise apartment dwellings						SD	SD/SE										
High-rise apartment dwellings							SE										
Mobile home subdivisions/mobile home parks						SD	SD										

KEY:

"P" indicates permitted subject to applicable code requirements

"SD" indicates permitted subject to special-development regulations, pursuant to Article VII.

"SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.

"T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.

A blank cell indicates that the use is not permitted.

Table I:

Principal Permitted Uses for Specific Zoning Districts:

RESIDENTIAL: Planned Residential Development (cont.)

USE CLASSIFICATION	ZONING DISTRICTS																
RESIDENTIAL: Planned Residential Development (cont.)	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Mobile homes						SE	SE										
Housing for the elderly*	SE			SD	SD	SD	SD		SD	SD			SD	SD			
Carriage court units						SD	SD										
Residential: CCRC*	SE			SD	SD	SD	SD							SD			

KEY:

- "P" indicates permitted subject to applicable code requirements
- "SD" indicates permitted subject to special-development regulations, pursuant to Article VII.
- "SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.
- "T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.
- A blank cell indicates that the use is not permitted.
- * Both housing for the elderly and CCRC are a special development in the AG/MO designation only

Table I:**Principal Permitted Uses for Specific Zoning Districts:****RESIDENTIAL: Transient Housing**

[Amended by Bill Nos. 82-54; 86-12; 88-85; 88-87; 90-13; 97-12; 98-36; 00-10; 00-56]

USE CLASSIFICATION	ZONING DISTRICTS																
RESIDENTIAL: Transient Housing	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Assisted living facilities	SE	SE	SE	SE	SE	P	P	P	SE	SE	SE	P	P				
Boarding homes and tourist homes	P								P	P	P	P	P				
Camps, retreats, recreation vehicle parks	SE												P				
Cottage houses	P/ SE	P/ SE		P/ SE	P/ SE			P/ SE	P/ SE								
Country inns and resorts	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P				P
Group homes	SE	SE	SE	SE	SE	SE	SE	SE	SE								
Hotels and motels										P		P	P	P	SE	P	P
Nursing homes	SE	SE	SE	SE	SE/ SD**	P/ SD**	P/ SD**	P	SE	SE	SE	P/ SD**	P/ SD**	SD**			
Personal-care boarding homes	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE							
Mixed use center							SD** P***					SD** P***	SD** P***	SD** P***			
Traditional neighborhood development				P***	P***	P***	P***										

KEY:

- "P" indicates permitted subject to applicable code requirements
- "SD" indicates permitted subject to special-development regulations, pursuant to Article VII.
- "SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.
- "T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.
- "P/SE" indicates permitted subject to applicable code requirements or subject to special exception regulations, pursuant to Article VIII
- ** indicates permitted subject to special-development regulations in the Commercial Revitalization District (CRD) only
- *** indicates permitted in the Edgewood Neighborhood Overlay District (ENOD) only
- A blank cell indicates that the use is not permitted.

Table I:

Principal Permitted Uses for Specific Zoning Districts:

[Added by Bill No. 96-60; amended by Bill No. 97-12; 05-39]

RESIDENTIAL: Flexible Design Development

USE CLASSIFICATION	ZONING DISTRICTS																
RESIDENTIAL: Flexible Design Development	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Single-family detached dwellings				SD	SD	SD	SD										
Single-family attached dwellings					SD	SD	SD										
Multi-family dwellings					SD	SD	SD										

KEY:

- "P" indicates permitted subject to applicable code requirements
- "SD" indicates permitted subject to special-development regulations, pursuant to Article VII.
- "SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.
- "T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.

A blank cell indicates that the use is not permitted.

Table I:**Principal Permitted Uses for Specific Zoning Districts:****RETAIL TRADE**

[Amended by Bill Nos. 85-7; 88-85; 88-87; 94-14; 97-12; 97-54; 99-59; 00-10; 00-56; 04-51; 05-39]

USE CLASSIFICATION	ZONING DISTRICTS																
	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Agricultural retail	P							SE		P	P	P	P	P			
Antique shops, art galleries and museums	SE							SD		P	P	P	P	P			P
Auction houses, animal and agricultural related products	SE									SE			SE	P		P	
Auction houses, non agricultural related										P		P	P	P		P	
Christmas tree sales	T	T		T	T	T	T		T	T	T	T	T	T		T	
Convenience goods stores							SD			P	P	P	P	P			P
Farmers co-ops	P									P	P	P	P	P		P	
Feed and grain mills	P									P				P		P	
Feed and grain - storage and sales	SD																
General merchandise stores										P			P	P			
Hawkers and peddlers										T		T	T	T			
Liquor stores										P		P	P	P			
Integrated community shopping centers (ICSC)											SD/ **	SD/ **	SD/ **				
Shopping centers										P	P	P	P				
Shoppers merchandise stores*										P		P	P	P			

KEY:

"P" indicates permitted subject to applicable code requirements

"SD" indicates permitted subject to special-development regulations, pursuant to Article VII.

"SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.

"T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.

* The following shoppers merchandise stores-business and office equipment rental or leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, are permitted in the RO District as special developments pursuant to Article VII

** indicates permitted subject to special-development regulations, pursuant to 267-41.2

A blank cell indicates that the use is not permitted.

Table I:

Principal Permitted Uses for Specific Zoning Districts:

RETAIL TRADE (continued)

USE CLASSIFICATION	ZONING DISTRICTS																
RETAIL TRADE (continued)	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Specialty shops								SD*		P	P	P	P	P			P
Hobby and craft supplies (otherwise classified as specialty shops)								SE									
Mixed Use Center							SD** P***					SD** P***	SD** P***	SD** P***			

KEY:

- "P" indicates permitted subject to applicable code requirements
- "SD" indicates permitted subject to special-development regulations, pursuant to Article VII.
- "SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.
- "T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.
- * Except for Cosmetic Shops, Key Shops and Novelty Shops
- ** indicates permitted subject to special-development regulation in the Commercial Revitalization District (CRD) only
- *** permitted in the Edgewood Neighborhood Overlay District (ENOD) only
- A blank cell indicates that the use is not permitted.

Table I:**Principal Permitted Uses for Specific Zoning Districts:****SERVICES**

[Amended by Bill Nos. 88-85; 88-87; 97-12; 97-54; 99-59; 00-10; 00-56; 04-51; 05-39]

USE CLASSIFICATION	ZONING DISTRICTS																
SERVICES	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Blacksmiths	P									P			P	P		P	
Business services, including commercial schools								SD		P	P	P	P	P			
Construction services and suppliers	SE									SE			P	P		P	
Financial, insurance and real estate services								SD		P	P	P	P	P			P
Funeral homes and morticians	SE									P		P	P	P			
Health services and medical clinics	SE							SE		P	P	P	P	P			P
Kennels and pet grooming	SE									SE	SE	SE	P	P			
Personal services							SD	SD	SE	P	P	P	P	P			P
Professional services							SD	SD	SE	P	P	P	P	P			P
Restaurants	SD						SD			SE	SE	P	P	P			P
Veterinary clinics or hospitals	SE									P		SE	P	P			
Veterinary practice, large animals	SD																
Corporate offices													P	P	P	P	P
Mixed Use Center							SD** P***					SD** P***	SD** P***	SD** P***			
Planned Employment Center							P***						P***	P***	P***	P***	
Traditional Neighborhood Development				P***	P***	P***	P***										

Key:

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"SD" indicates permitted subject to special-development regulations, pursuant to Article VII.

"SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.

"T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.

** indicates permitted subject to special-development regulations in the Commercial Revitalization District (CRD) only

*** indicates permitted in the Edgewood Neighborhood Overlay District Only (ENOD)

A blank cell indicates that the use is not permitted.

Table I:**Principal Permitted Uses for Specific Zoning Districts:****TRANSPORT, COMMUN., & UTILITIES (TCU)
(Part 1)**

Amended by Bill Nos. 87-28; 88-85; 88-87; 97-12; 00-11; 02-58; 05-39]

USE CLASSIFICATION	ZONING DISTRICTS																
TRANSPORT, COMMUN., & UTILITIES (TCU)	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Aircraft landing and storage, private	SE													SE	SE	SE	
Airports, general aviation														SE	SE	SE	
Ambulance services, commercial										P			P	P		P	
Bus depots													P	P			
Communication and broadcasting stations	SE									P		P	P	P	P		P
Communication and broadcasting towers	SE*	SE*	SE*	SE*	SE*				SE*	SE*	SE*	SE*	P	P	P	P	P
Freight terminals													P	P		P	
Helistops	P													P	P	P	
Highway maintenance facilities	P									P			P	P	P	P	
Power and regeneration plants																P	

KEY:

- "P" indicates permitted subject to applicable code requirements
- "SD" indicates permitted subject to special-development regulations, pursuant to Article VII.
- "SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.
- "T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.
- "SE*" indicates permitted subject to special-exception regulations, pursuant to Article VIIA.
- A blank cell indicates that the use is not permitted.

Table I:**Principal Permitted Uses for Specific Zoning Districts:****TRANSPORT, COMMUN., & UTILITIES (TCU)
(Part 2)**

[Amended by Bill Nos. 88-85; 88-87; 97-12]

USE CLASSIFICATION	ZONING DISTRICTS																	
TRANSPORT, COMMUN., & UTILITIES (TCU)	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO	
Public utility facilities, sanitary landfills and sewage treatment plants	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Solid waste transfer stations	P												P	P		P		
Taxi stands										P			P	P				
Train stations												P	P	P	P	P		
Truck stops or terminals													P	P		P		
Sewage pumping stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Rubble Landfill (not part of legislation. added for clarity)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

KEY:

- "P" indicates permitted subject to applicable code requirements
- "SD" indicates permitted subject to special-development regulations, pursuant to Article VII.
- "SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.
- "T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.
- A blank cell indicates that the use is not permitted.

Table I:**Principal Permitted Uses for Specific Zoning Districts:****WAREHOUSING, WHOLESALING & PROCESSING**

[Amended by Bill Nos. 88-85; 90-30; 97-12; 05-39]

USE CLASSIFICATION	ZONING DISTRICTS																
WAREHOUSING, WHOLESALING & PROCESSING	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Abattoirs, slaughterhouses	SE													P		P	
Bottling plants													P	P	P	P	
Carpet or rug cleaning													P	P	P	P	
Creamery, cold storage	P									P		P	P	P		P	
Industrial laundries and dry cleaning													P	P		P	
Petroleum and gas products, sales or underground storage not to exceed 25,000 gallons' capacity													SE	P		P	
Petroleum and gas products, storage above ground and underground in excess of 25,000 gallons' capacity																SE	
Warehousing and wholesaling, processing and distribution										P			P	P	P	P	
Mini-warehousing										P			P	P			

KEY:

- "P" indicates permitted subject to applicable code requirements
- "SD" indicates permitted subject to special-development regulations, pursuant to Article VII.
- "SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.
- "T" indicates permitted subject to temporary-use regulations, pursuant to §267-27.
- A blank cell indicates that the use is not permitted.

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§ 267-34. AG Agricultural District. [Amended by Bill Nos. 84-49; 91-10; 91-66; 94-14; 94-15; 99-59; 03-11 as amended]

- A. The purpose of this district is to provide for continued farming activities, conserve agricultural land and reaffirm agricultural uses, activities and operations within the agricultural zoned areas. It is the further purpose of this district to maintain and promote the rural character of this land as well as promote the continuance and viability of the farming and agricultural uses. Low density residential development is also permitted.
- B. Agricultural use. An agricultural operation, facility or any of its appurtenances receiving an AG or RA assessment, shall not be considered a nuisance, either public or private as a result of changed land uses in or around the locality of such an agricultural operation, or facility. The operation of machinery, when used for agricultural purposes, shall be permitted at any time. Furthermore, any changes in said operation and in conformity with industry accepted horticultural, agronomic, animal husbandry, aquacultural and other agricultural standards does not constitute a nuisance.
- C. General regulations. Minimum lot area, maximum lot area, maximum average lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Table II, shall apply, subject to other requirements of this Part 1. [Amended by Bill No. 95-31]
- D. [Amended by Bill No. 95-31; 99-59] Specific regulations. The following uses are permitted, subject to the additional requirements below:
- (1) Agriculture, provided that all buildings associated with this use, including farmhouses, barns and silos, meet the required minimum setbacks for principal uses. The operation of machinery, when used for agricultural activities, shall be permitted at any time. Buildings in which animals are housed or kept shall comply with the following setbacks from adjacent residential lots:

Number of Animal Units	Setback From Adjacent Residential Lot (feet)
1 to 2	50
3 to 10	100
11 or more	200

- (2) Agricultural retail sales, provided that the property is zoned Ag-Agricultural, receives an agricultural assessment and that no more than 20% of the total area of the agricultural retail use or structure is dedicated to non-agricultural products. For the purposes of this paragraph, "non-agricultural product" includes any processed form of an agricultural product.
- (3) Residential development, on parcels as described in the land records of February 8, 1977, as provided below:

- (a) One lot shall be permitted on any parcel of land that is less than 11 acres.
 - (b) Two lots shall be permitted on any parcel of land that is from 11 acres to 19.99 acres.
 - (c) An additional lot shall be permitted for each additional 10 acres in excess of 20.
 - (d) An additional lot shall be permitted for any member of the immediate family of persons who were individual owners of record (not corporate, partnership or joint-venture owners) of the parcel. Immediate family shall be limited to fathers, mothers, brothers, sisters, sons and daughters.
 - (e) Any new lot created pursuant to Subsection D(2)(a) through (d) above shall be a minimum of two acres unless the lot is located in an Agriculture Preservation District established pursuant to §2-501 et seq. of the Agriculture Article of the Annotated Code of Maryland, then the lot size shall be that as approved by the state. In the event that the primary parcel is removed from the district, the owner shall submit a revised subdivision plan, establishing a minimum lot size of two acres. At such time, the owner or his successors in title shall prepare and record the necessary deeds for the two-acre conveyance and shall notify, in writing, the Department of Planning and Zoning of the conveyance.
- (4) Development rights established in Subsection D(3) may be transferred from any parcel with an AG zoning to any other parcel with an AG zoning which is located within one-half mile of the parcel from which the development rights are being transferred as provided below:
- (a) All development rights shall be transferable except one right for each existing dwelling unit, provided that in no event shall less than one right be retained with the parcel. The right to a family conveyance shall not be transferable.
 - (b) Contiguous parcels under common ownership may be considered one parcel.
 - (c) Development rights shall only be transferred by agreement, deed, easement or other written easement, which shall be recorded in the Land Records of Harford County.
 - (d) The document transferring the development rights which is recorded in the Land Records of Harford County as required under Subsection (4)(c) shall limit future development rights on the parcel from which the development rights were transferred in accordance with the number of rights transferred.
 - (e) The parcel receiving the development rights shall only be permitted to increase in development rights by up to 50% of the development rights as

were permitted on the parcel as of February 8, 1977, excluding family conveyances.

- (f) Development rights transferred under this subsection shall only be permitted to be transferred once.
 - (g) A parcel from which development rights have been transferred pursuant to this subsection, shall not be permitted to receive development rights pursuant to this subsection.
- (5) Conservation development pursuant to the conservation standards as provided in §267-46.1.
 - (6) Conversion of existing single-family detached dwellings to accommodate not more than four dwelling units shall be permitted in accordance with the following:
 - (a) The minimum lot size shall be two acres.
 - (b) The lot shall contain at least one acre for each dwelling unit.
 - (c) A minimum of two off-street parking spaces shall be provided for each dwelling unit.
 - (7) Rubble landfills are permitted in accordance with §267-40.1 of this chapter.
 - (8) Fire stations with fire station assembly halls shall be permitted in accordance with the following:
 - (a) Access to the fire station and the fire station assembly hall shall be from a road designated as principal arterial or minor arterial in the major road plan; and
 - (b) Only one fire station with a fire station assembly hall is permitted in the Ag District for each volunteer fire company.
 - (9) Agricultural public events. These activities are permitted, provided the following criteria are met: [Added by Bill No. 99-59]
 - (a) Minimum parcel area of 20 acres with an agricultural assessment.
 - (b) The following setbacks shall apply unless otherwise specified:
 - [1] Minimum of 100 feet from all property lines, except road frontage and 200 feet from any off-site residence.
 - [2] Corn Maze. Minimum of 25 feet from property lines and 200 feet from any off-site residence.

[3] Farm Tours. No setback for the use. The parking area shall be a minimum of 100 feet from property lines except road frontage and 200 feet from any off-site residence. This area shall be covered with gravel and screened pursuant to Section 267-28D.

- (c) Must be owner or tenant operated. Employees may include only family members living on the site and not more than the total of 160 equivalent employment hours by outside employees per week.
- (d) No operation between the hours of 10:00 p.m. and 7:00 a.m.
- (e) Any lighting shall be shielded and directed away from any off-site residence and may be used only during the permitted hours of operation.
- (f) Safe and adequate access shall be provided for vehicular traffic, to be determined by the State Highway Administration or Harford County.
- (g) Adequate arrangements for temporary sanitary facilities must be in accordance with Health Department Regulations.
- (h) Tenant farmer/tenant operator is an individual or business entity that is actively producing or managing livestock, crops or other agricultural products and is not the owner of the property being farmed. Agreement for this use is usually compensated by a contract for rent, lease or on a crop sharing basis.

Table II: Design Requirements for Specific Uses:**AG Agricultural District**

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Amusements / Industrial / Institutional / Motor Vehicles	2 acres				50	100	50	40	80	30
Natural Resources	2 acres				50 (bldg.)					35
RESIDENTIAL: CONVENTIONAL										
Lots recorded prior to 2-8-77	20,000					100	40	20	50	3 stories
Lots recorded on or after 2-8-77	2 acres			2 acres		200	50	40	80	3 stories
RESIDENTIAL: CONSERVATION	.75 acre	2 acres	1.5 acres			100*	25	15	50	3 stories
Transient Housing	2 acres			3,000		100	50	40	80	3 stories
Retail Trade/Services	2 acres				50	100	50	40	80	30
Transportation, Communications and Utilities / Warehousing	5 acres				200	200	100	80	80	30
Public Utility Facilities (added by Bill No. 87-28)					25		25	25	25	30
Sewage Pumping Stations (Bill No. 87-28)					200		25	25	25	30
Rubble Landfills	100 acres									**
Lots established pursuant to Section 60-1, Agricultural Preservation Program, of the Harford County Code as amended	.75 acre	2 acres				100	25	15	50	3 stories

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53

* Minimum lot width requirements shall be subject to COMAR, Section 26.04.03, regulations governing water supply and sewerage systems in the subdivision of land.

** See Section 267-40.1

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§ 267-35. RR Rural Residential District

- A. Purpose. This district is intended to acknowledge and protect existing concentrations of residential development, provide limited opportunities for low-density residential uses where not in conflict with agricultural activities, protect the open character of the land and restrict piecemeal development in areas where public services are not reasonably anticipated.
- B. General regulations. Minimum lot area, maximum lot area, maximum average lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Table III, shall apply, subject to other requirements of this Part 1. [Amended by Bill No. 95-31]
- C. [Amended by Bill Nos. 91-10; 95-31] Specific regulations. The following uses are permitted, subject to the additional requirements below:

- (1) Agriculture, on a lot of two (2) acres or more, provided that not more than one (1) animal unit per acre shall be permitted. All buildings associated with this use, including farmhouses, barns and silos, shall meet the required minimum setbacks for principal uses. Buildings in which animals are housed or kept shall comply with the following setbacks from adjacent residential lots:

<u>Number of Animal Units</u>	<u>Setback From Adjacent Residential Lot</u> (feet)
1 to 2	100
3 to 10	150
11 or more	200

- (2) Residential development, at a density of one (1) dwelling unit per two (2) acres.
- (3) Conservation development pursuant to the conservation standards as permitted in § 267-46.1.
- (4) Conversion of existing single-family detached dwellings to accommodate not more than two (2) families, provided that any such use shall have a minimum lot area of one (1) acre per family. Parking on the site shall be provided at a minimum of two (2) spaces per dwelling unit.
- (5) Dwelling units, when on a permanent foundation.
- (6) Rubble landfills are permitted in accordance with § 267-40.1 of this chapter.

Table III: Design Requirements for Specific Uses:**RR Rural Residential**

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (sq. ft.)	Maximum Average Lot Area (feet)	Minimum Area Per Dwelling or Family Unit (feet)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Amusements	5 acres				100	200	50	40	80	30
Institutional	2 acres				50	100	50	50	50	30
Natural Resources	2 acres				50 (bldg)					35
RESIDENTIAL: CONVENTIONAL										
Lots recorded prior to 2-8-77	20,000					100	40	15 (total of 35)	50	3 stories
Lots recorded on or after 2-8-77	60,000			2 acres		150	50	40	60	3 stories
RESIDENTIAL: CONSERVATION	.75 acre	2 acres	1.5 acres			100*	25	15	50	3 stories
Transient Housing	15,000			3,000		100	50	20	50	3 stories
Transportation, Communications and Utilities	5 acres				200	200	100	80	80	30
Public Utility Facilities (added by Bill No. 87-28)					25		25	25	25	30
Sewage Pumping Stations (Bill No. 87-28)					200		25	25	25	30
Rubble Landfills	100 acres									**

NOTE:

General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53

* Minimum lot width requirements shall be subject to COMAR, Section 26.04.03, regulations governing water supply and sewerage systems in the subdivision of land.

** See Section 267-40.1

§ 267-36. R, R1, R2, R3 and R4 Urban Residential Districts. [Amended by Bill Nos. 86-18; 87-22; 87-49; 88-87; 91-10; 94-10; 96-60; 98-36]

- A. Purpose. These districts are intended to accommodate urban residential needs by providing for a wide range of densities and building types where public water and sewer are available. Conventional development with open space (COS), planned residential development (PRD) and flexible design development (FDD) are permitted where open space and environmental features are provided or preserved, except in the R District.
- B. General regulations. Minimum lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Tables IIIA through VII, shall apply, subject to other requirements of this Part 1. A flexible design development shall not be subject to minimum lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Tables IIIA through VII, but shall be subject to the other requirements of this Part 1.
- C. Specific regulations. The following uses are permitted, subject to the additional requirements below:
- (1) Agriculture, on a lot of 2 acres or more provided that not more than 1 animal per acre shall be permitted. Agriculture shall be permitted as an interim use on any parcel pending its development for residential purposes, provided that all buildings associated with this use, including farmhouses, barns and silos, shall meet the required minimum setbacks for principal uses.

<u>Number of Animal Units</u>	<u>Setback From Adjacent Residential Lot</u> (feet)
1 to 2	100
3 to 10	150
11 or more	200

- (2) [Amended by Bill No. 98-36] Urban residential uses. The permitted density of development, the permitted dwelling unit types and design requirements shall depend upon whether the development is designed as a conventional development, conventional development with open space (COS), planned residential development (PRD), flexible design development (FDD), housing for the elderly or continuing care retirement community (CCRC). [Amended by Bill Nos. 91-10; 94-10; 96-60; 98-36]
- (a) Conventional development. Conventional residential development shall be permitted as of right in all urban residential districts.

- (b) Conventional development with open space (COS) and minimum parcel area. Conventional development with open space shall be developed in accordance with the provisions of Article VII. The conventional development with open space shall be permitted in urban Residential Districts R1, R2, R3 and R4, but not permitted in the R District. The minimum parcel areas (MPA) required shall be as follows:

<u>District</u>	<u>MPA (acres)</u>
R1	15
R2	10
R3	5
R4	5

- (c) Planned residential development (PRD). The planned residential development shall be developed in accordance with the provisions of Article VII. The planned residential development shall be permitted only in R3 and R4 Districts.
- (d) Flexible design development (FDD). The flexible design development shall be developed in accordance with the provisions of Article VII. The flexible design development shall be permitted in R1, R2, R3 and R4 Districts. The minimum parcel areas (MPA) required shall be as follows:

<u>District</u>	<u>MPA (acres)</u>
R1	15
R2	10
R3	5
R4	5

- (e) Housing for the elderly. The housing for the elderly shall be developed in accordance with the provisions of Article VII. Housing for the elderly shall be permitted in the R1, R2, R3 and R4 Districts and minimum lot size shall be four acres.
- (f) Continuing care retirement community (CCRC). The continuing care retirement community shall be developed in accordance with the provisions of Article VII. The CCRC shall be permitted in R1, R2, R3 and R4 Districts. The minimum lot size is 20.0 acres.
- (g) Maximum density by district and type of development. The maximum density permitted shall be as follows:

District	Conventional (du/ga)	COS (du/ga)	PRD (du/ga)	FDD (du/ga)
R	1.0	Not permitted	Not permitted	Not permitted
R1	1.8	2.0	Not permitted	Not permitted
R2	3.5	4.5	Not permitted	4.5
R3	5.0	7.0	10.0	7.0
R4	8.0	10.0	14.0*	10.0

*NOTE: The maximum density permitted for a high-rise apartment dwelling shall be thirty and zero-tenths (30.0) dwelling units per gross acre. Maximum density for housing for the elderly and CCRC projects are set forth in Article VII.

- (h) Dwelling units per building block. A building block shall be a series of attached dwellings. The number of dwelling units per building block shall be as follows:

<u>Dwelling Type</u>	Number of Dwelling Units Per Building Block	
	<u>Minimum</u>	<u>Maximum</u>
Semidetached dwelling	2	2
Patio/court/atrium dwelling	2	6
Multiplex dwelling	3	8
Townhouse dwelling, R2	3	4
Townhouse dwelling, R3/R4	3	8
Duplex dwelling	2	2
Row duplex dwelling	2	12
Garden apartment dwelling	4	36*
Mid-rise apartment dwelling	8	60*
High-rise apartment dwelling	8	80, except as special exception
Cluster Townhouse	4	7
Carriage court unit	4	16

*In housing for the elderly and CCRC special developments, there is no maximum.

- (i) Building block length.

[1] The maximum length of a building block shall not exceed the following:

<u>Building Block Type</u>	Maximum Length Without Offset (Feet)	Maximum Length With Offset (Feet)
Townhouse dwelling	75	160
Row duplex dwelling	75	160
Multiplex dwelling	75	160
Carriage court unit	75	300
Garden apartment dwelling	120	300
Mid-rise apartment dwelling	100	200
High-rise apartment dwelling	100	200
Cluster townhouse	100	125

- [2] To exceed the maximum building block lengths provided herein, any building shall be subject to the following additional offsets for each 100 feet or portion thereof:

<u>Height of Building (stories)</u>	<u>Minimum Offset (Feet)</u>	<u>Minimum Sum of Offset (Feet)</u>
1 and 2	1-1/2	4-1/2
3	4	8
4 or more	4	12

- [3] Enclosed pedestrian bridges or walks between buildings shall not be construed as part of the building for building block length calculations.

- (j) Distance between building blocks. The following minimum distances are established for townhouses, patio/court/atrium, multiplex, row duplex, garden, mid-rise and high-rise apartment building as follows:

<u>Building Block Walls</u>	<u>Distance Between Building Blocks (feet)</u>
Blank end wall to blank wall	20
Blank end wall to window wall	30
Window wall to window wall, townhouse	30
Window wall to window wall, other than townhouse or carriage court unit	55, or a distance equal to the sum of the height of the 2 buildings, whichever is greater
Window wall to window wall, carriage court unit	40, if the length of a window wall is less than 60 feet, and 60 feet if the length of a window wall is 60 feet or greater

- (k) Maximum building coverage. The maximum building coverage shall be as follows:

<u>Dwelling Types</u>	<u>Maximum Building Coverage (percent of total lot)</u>
Patio/court/atrium, semidetached, townhouse, multiplex and row duplex and cluster townhouse	40
Garden, mid-rise and high-rise apartments	30

- (l) Impervious surface ratio. The maximum impervious surface for any urban residential project shall not exceed 65% of the total parcel area.
- (m) Variation in townhouse or multiplex width.

- [1] In the R3 and R4 Districts, the permitted width of a townhouse or multiple dwelling may be reduced by a maximum of 4 feet for not more than 50% of the townhouse or multiplex units in any development. In the R2 District, the permitted width of a townhouse or multiplex dwelling may be reduced by a maximum of 4 feet for not more than 25% of the townhouse or multiplex units in any development.
 - [2] Where narrower units are provided, lot sizes, not yard sizes or setbacks, may be reduced proportionally. Such units shall be integrated into the overall design of the townhouse or multiplex development and shall be intermixed with other townhouses or multiplex units throughout the development.
- (n) Variation in patio/court/atrium yard requirements. The front and rear yards required for the patio/ court/atrium building block may be waived when the following have been provided:
- [1] An area for utility services in the road right-of-way.
 - [2] Private atriums or courts surrounded by buildings or enclosed walls totaling 25% of the minimum lot requirement.
 - [3] All living spaces face the atriums or courts.
- (o) Permitted dwelling units by lot. Types of dwelling units, for example, townhouse, lot line, single-family detached, shall be permitted only on lots for which specific approval is granted during subdivision review. Where no dwelling-unit type is specified, only single-family detached units shall be permitted.
- (p) Multiplex dwellings and cluster townhouse. No detached accessory structures will be permitted in side or rear yards. Exterior storage shall be integrated in the design of the overall structure. Fencing shall be harmonious with the multiplex dwelling and shall be uniform in type and height. Said fencing shall be constructed in conjunction with the construction of the multiplex or cluster townhouse dwelling.
- (q) Carriage court unit. Not more than 50% of carriage court unit building blocks proposed for a development shall contain the maximum number of dwelling units permitted for each building block.
- [1] The following structures are permitted in accordance with the stated requirements:

- [a] Fencing shall be harmonious with the dwelling and shall not exceed 4 feet in height across the front of the unit or 6 feet in height on the side(s) of the unit nor 8 feet in length on the side of the unit unless approval for a greater height is granted as specified in § 267-43A or B of this chapter;
 - [b] Detached accessory storage only as specified in the site plan approval; and
 - [c] Attached exterior storage, provided that the structure is integrated in the design of the overall dwelling and does not permit a direct means of access to the dwelling.
- [2] All units shall be accessible to emergency vehicles by means of either a paved surface or alternative load-bearing way. The Chairperson of the Development Advisory Committee shall establish standards and specifications for the paved surface or load-bearing way.
- [3] Vegetation shall not restrict access or passage of emergency vehicles.
- [4] Prior to approval of a preliminary plan, including carriage court units, the Zoning Administrator shall forward the plan to the Harford County Volunteer Fire and Ambulance Association for review and comments.
- (3) Conversion of existing single-family detached dwellings to accommodate not more than 2 dwelling units, subject to a minimum lot area of 5,000 square feet per dwelling unit. At least 1 of the units shall be occupied by the owner thereof. Parking on the site shall be provided at a minimum of 2 spaces per dwelling unit.
- (4) Dwelling units, when on a permanent foundation.
- (5) Rubble landfills are permitted in accordance with § 267-40.1 of this chapter. [Added by Bill No. 91-10]

Table IIIA: Design Requirements for Specific Uses:

R Residential District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Amusements	5 acres		100	200	50	40	80	30
Institutional	2 acres		50	150	50	50	50	30
Natural Resources	2 acres		50	150	50	50	50	35
Residential	1 acre	1 acre		150	50	40	60	45
Transient Housing	1 acre	1 acre		150	50	40	60	45
Transportation, Communications and Utilities	5 acres		25	200	100	80	80	30
Public Utility Facilities (added by Bill No. 87-28)			25		25	25	25	30
Sewage Pumping Stations (added by Bill No. 87-28)			200		25	25	25	30
Rubble Landfills	100 acres							See Sect. 267-40.1

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53.

Table IV: Design Requirements for Specific Uses:

R1 Urban Residential District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Amusements	5 acres		100	200	50	40	80	30
Institutional	2 acres		50	100	50	40	80	30
Natural Resources	2 acres		50 (bldg.)					35
RESIDENTIAL: CONVENTIONAL								
Single Family Detached	20,000			100	40	15 (total of 35)	50	3 stories
RESIDENTIAL: CONVENTIONAL DEVELOPMENT WITH OPEN SPACE (COS)								
Single Family Detached	15,000			80	35	10 (total of 30)	40	3 stories
Transient Housing	15,000	3,000		100	40	15 (total of 35)	50	3 stories
Transportation, Communications and Utilities	5 acres		200	200	100	80	80	30
Public Utility Facilities (added by Bill No. 87-28)			25		25	25	25	30
Sewage Pumping Stations (added by Bill No. 87-28)			200		25	25	25	30
Rubble Landfills	100 acres							See Sect. 267-40.1

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53.

Table V: Design Requirements for Specific Uses:

R2 Urban Residential District (Part 1)

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Amusements	5 acres		100	200	50	40	80	30
Institutional	2 acres		50	100	50	40	80	30
Natural Resources	2 acres		50 (bldg.)					35
RESIDENTIAL: CONVENTIONAL								
Single Family Detached	10,000			70	35	10 (total of 30)	40	3 stories
RESIDENTIAL: CONVENTIONAL DEVELOPMENT WITH OPEN SPACE (COS)								
Single Family Detached	7,500			65	30	10	35	3 stories
Lot Line	7,000			60	30	0 to 5 total of 20	35	3 stories
Semi-Detached	6,500			55	30	0 and 15	35	3 stories
	12,000	6,000		80	30	15	40	3 stories
Multiplex	2,400			50	24	24	0	3 stories
Patio / Court / Atrium	6,000			55	30	0	30	1½ story
Cluster Townhouse	2,400			24	0	10	30	3 stories
Townhouse*	2,400			24	30	0	40	3 stories
Transient Housing	15,000	3,000		100	35	10 (total of 30)	40	3 stories
Transportation, Communications and Utilities	5 acres		200	200	100	80	80	30

NOTE:

General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53.

* Maximum of four (4) dwelling units per building block

Table V: Design Requirements for Specific Uses

R2 Urban Residential District (Part 2)

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. feet)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Public Utility Facilities (added by Bill No. 87-28)			25		25	25	25	30
Sewage Pumping Stations (Bill No. 87-28)			200		25	25	25	30
Rubble Landfills	100 acres							See Sect. 267-40.1

NOTE:

General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53

Table VI: Design Requirements for Specific Uses:

R3 Urban Residential District (Part 1)

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Amusements	5 acres		100	200	50	40	80	30
Institutional	2 acres		50	100	50	40	80	30
Natural Resources	2 acres		50 (bldg.)					35
RESIDENTIAL: CONVENTIONAL								
Single Family Detached	7,500			60	25	10	35	3 stories
RESIDENTIAL: COS and PLANNED RESIDENTIAL DEVELOPMENT (PRD)								
Single Family Detached	6,000			55	25	8 (total of 20)	30	3 stories
Lot Line	5,000			50	25	0 to 5 total of 15	30	3 stories
Semi-detached	5,000			50	25	0 and 15	30	3 stories
Duplex	9,000	4,500		70	25	15	35	3 stories
Multiplex (interior units)	1,800			18	25	0	25	3 stories
Multiplex (end units)	1,800			45	20	25	0	3 stories
Patio / Court / Atrium	4,000			40	25	0	25	1½ story
Cluster Townhouse Dwelling	1,800			18	0	10	25	3 stories
Townhouse	1,800			18	25	0	40	3 stories
Row Duplex	6,000	3,000		22	30	0	40	3 stories

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53

Table VI: Design Requirements for Specific Uses:

R3 Urban Residential District (Part 2)

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Garden Apartments	9,600	2,400		120	30	20	40	3 stories w/loft
Mid-Rise Apartments (PRD only)	16,000	2,000		120	30	20	40	5 stories
Mobile Home Park	10 acres	5,000	50	200	20	10 (total of 20)	20	1 story
Transient Housing	15,000	3,000		100	30	10	30	3 stories
Transportation, Communications and Utilities	5 acres		200	200	100	80	80	30
Public Utility Facilities (added by Bill No. 87-28)			25		25	25	25	30
Sewage Pumping Stations (added by Bill No. 87-28)			200		25	25	25	30
Rubble Landfills	100 acres							See Sect. 267-40.1

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53

Table VII: Design Requirements for Specific Uses:

R4 Urban Residential District (Part 1)

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Amusements	5 acres		100	200	50	40	80	30
Institutional	2 acres		50	100	50	40	80	30
Natural Resources	2 acres		50 (bldg.)					35
RESIDENTIAL: CONVENTIONAL								
Single Family Detached	7,500			60	25	10	35	3 stories
Lot Line	7,000			55	25	0 to 5 total of 20	35	3 stories
Semi-detached	6,000			50	25	0 and 15	35	3 stories
Duplex	10,000	5,000		70	25	15	35	3 stories
Patio / Court / Atrium	4,500			20	25	0	40	1½ story
RESIDENTIAL: COS and PLANNED RESIDENTIAL DEVELOPMENT (PRD)								
Single Family Detached	6,000			55	25	8 (total of 20)	30	3 stories
Lot Line	4,000			45	25	0 to 3 total of 10	25	2 stories
Semi-detached	4,000			45	25	0 and 10	25	3 stories
Duplex	8,000	4,000		70	25	15	35	3 stories
Duplex (PRD)	6,000	3,000		70	25	15	35	3 stories

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53

Table VII: Design Requirements for Specific Uses:

R4 Urban Residential District (Part 2)

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Multiplex (interior units)	1,800			18	25	0	25	3 stories
Multiplex (end units)	1,800			45	20	25	0	3 stories
Patio / Court / Atrium	3,000			40	25	0	20	1½ story
Townhouse	1,800			18	25	0	40	3 stories
Cluster Townhouse Dwelling	1,800			18	0	10	25	3 stories
Row Duplex	5,000	2,500		20	30	0	40	4 stories
Garden Apartment	7,200	1,800		110	30	20	30	3 stories w/loft
Mid-Rise Apartment	12,800	1,600		120	30	20	30	5 stories
High-Rise Apartment	12,800	1,200		100	35	30	35	80
Mobile Home Park	10 acres	4,500	50	200	20	10 (total of 20)	20	1 story
Transient Housing	15,000	3,000		100	30	10	30	3 stories
Transportation, Communications and Utilities	5 acres		200	200	100	80	80	30
Public Utility Facilities (added by Bill No. 87-28)			25		25	25	25	30
Sewage Pumping Stations (added by Bill No. 87-28)			200		25	25	25	30
Rubble Landfills	100 acres							See Sect. 267-40.1

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53

Section 2 of Bill No. 84-37 provided that said act "shall not apply to a prior conditional-use approval authorized by the Board of Appeals or to any subdivision or development of land that has a recorded plat and has also received three or more building permits for the location of mobile homes by the effective date of said act."

§ 267-36.1. RO Residential/Office District. [Added by Bill No. 88-85; amended by Bill Nos. 91-10; 97-54; 04-51

- A. Purpose. This district is intended to provide for the conversion of residential structures to other uses and construction of small retail, service and office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic or other similar factors, may no longer be suitable for only those uses allowable in residential districts. It is the common intention in this district that the buildings and uses be compatible with provide a transition from and be in harmony with the present or prospective uses of nearby residential property.
- B. General regulations. Minimum lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Table VIIA, shall apply, subject to other requirements of this Code.
- C. Specific regulations. The following uses are permitted subject to the additional requirements below:

- (1) Agriculture, on a lot of two acres or more, provided that not more than one animal unit per acre shall be permitted. Agriculture shall be permitted as an interim use on any parcel pending its development for residential purposes, provided that all buildings associated with this use, including farm houses, barns and silos, shall meet the required minimum setbacks for principal uses. Buildings in which animals are housed or kept shall comply with the following setbacks for adjacent residential lots:

<u>Number of Animal Units</u>	<u>Setback from Adjacent Residential Lot (feet)</u>
1 to 2	100
3 to 10	150
11 or more	200

- (2) Residential development, subject to the standards in Table VIIA.
- (3) Conversion of an existing single-family detached dwelling to accommodate not more than four dwelling units, subject to a minimum lot area of five thousand square feet per dwelling unit. Parking on site shall be provided at a minimum of two spaces per dwelling unit.
- (4) Retail/Service/Office uses shall be permitted in accordance with Article VII of this chapter.
- (5) Rubble landfills are permitted in accordance with § 267-40.1 of this chapter. [Added by Bill No. 91-10]
- (6) The following uses are permitted in accordance with Article VII of this chapter, provided that a minimum parcel area of 30,000 square feet is established:
- (a) Business and office equipment rental or leasing;
- (b) Business equipment sales;

- (c) Party supply shops;
 - (d) Photography equipment and supply shops; and
 - (e) Medical equipment rental and sales.
- (7) Except for cosmetic shops, key shops and novelty shops, specialty shops are a permitted use in accordance with Article VII of this chapter.

Table VIIA: Design Requirements for Specific Uses:

RO Residential Office District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Natural Resources	2 acres		50					35
Institutional	2 acres		50	100	50	40	80	30
RESIDENTIAL: CONVENTIONAL								
Single Family Detached	10,000			70	35	10	40	45
Semi-detached	10,000	5,000		70	35	10	40	35
Duplex	10,000	5,000		70	35	10	40	35
Garden Apartment *	10,000	5,000		70	35	10	40	35
RESIDENTIAL: CONVENTIONAL WITH OPEN SPACE								
Single Family Detached	7,500			65	30	10	35	45
Lot Line	7,000			60	30	0 to 5	35	35
Semi-detached	6,500			55	30	0 and 15	35	35
Duplex	12,000	6,000		80	30	15	40	35
Multiplex	2,400			50	24	24	0	35
Patio / Court / Atrium	6,000			55	30	0	30	1½ story
Townhouse	2,400	3,000		24	30	0	40	35
Retail Trade/Services**	10,000		15	70	35	10	40	35

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53

* Maximum of four (4) units

** The following uses - business and office equipment rental and leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, require a minimum lot area of 30,000 square feet.

Table VIIA: Design Requirements for Specific Uses:

RO Residential Office District (Part 2)

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Transient Housing	15,000	3,000		100	35	10 (total of 30)	40	3 stories
Transportation, Communications and Utilities	5 acres		200	200	100	80	80	30
Public Utility Facilities (added by Bill No. 87-28)			25		25	25	25	30
Sewage Pumping Stations (added by Bill No. 87-28)			200		25	25	25	30
Rubble Landfills	100 acres							See §267-40.1

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53

§ 267-37. VR Village Residential District.

- A. Purpose. This district is intended to preserve and enhance the character and function of established rural settlements. This district allows residential uses on small lots as well as certain business uses. Where appropriate, the Historic District Overlay Zone may be used to achieve architectural compatibility between old and new buildings.
- B. General regulations. Minimum lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Table VIII, shall apply, subject to other requirements of this Part 1.
- C. Specific regulations. The following uses are permitted, subject to the additional requirements below:
- (1) Agriculture, on a lot of two (2) acres or more, provided that not more than one (1) animal unit per acre shall be permitted. All buildings associated with this, including farmhouses, barns and silos, shall meet the required minimum setbacks for principal uses. Buildings in which animals are housed or kept shall comply with the following setbacks from adjacent residential lots:

<u>Number of Animal Units</u>	<u>Setback from Adjacent Residential Lot (feet)</u>
1 to 2	100
3 to 10	150
11 or more	200

- (2) Residential development, at a density of three (3) dwelling units per acre.
- (3) Conversion of existing single-family detached dwellings to accommodate not more than four (4) families, provided that any such use shall have a minimum lot area of five thousand (5,000) square feet per dwelling unit. Parking shall be provided at a minimum of one (1) space per dwelling unit.
- (4) Housing for the elderly when developed in accordance with Article VII. [Added by Bill No. 98-36]
- (5) Retail trades and service uses, when in buildings existing at the time of enactment of this Part 1, provided that any alteration of the building shall not exceed 25% of the gross floor area of the building. No expansion shall decrease the distance of the building from the road.
- (6) Dwelling units, when on a permanent foundation.
- (7) Rubble landfills are permitted in accordance with § 267-40.1 of this chapter. [Added by Bill No. 91-10]

Table VIII: Design Requirements for Specific Uses:

VR Village Residential District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Institutional	20,000			70	35	20	40	30
Natural Resources	2 acres		50 (bldg.)					35
RESIDENTIAL: CONVENTIONAL								
Single Family Detached	10,000			70	25	10 (total of 25)	40	3 stories
Lot Line	7,500			60	25	0 to 5 total of 20	40	3 stories
Semi-detached	7,200			60	25	0 to 15	40	3 stories
Duplex	10,000	5,000		70	25	10 (total of 25)	40	3 stories
Transient Housing	15,000	3,000		100	30	10	30	3 stories
Retail Trade / Services	10,000			70	25	10	40	35
Transportation, Communications and Utilities	5 acres		200	200	100	80	80	30
Public Utility Facilities (added by Bill No. 87-28)			25		25	25	25	30
Sewage Pumping Stations (added by Bill No. 87-28)			200		25	25	25	30
Rubble Landfills	100 acres							See Section 267-40.1

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53

§ 267-38. VB Village Business District. [Amended by Bill 05-23]

- A. Purpose. This district is intended to provide business services to rural areas and to preserve and enhance the character and function of long-established rural settlements. This district compliments the VR District by providing a mix of business and residential uses at an appropriate scale. Where appropriate, the Historic District Overlay Zone may be used to achieve architectural compatibility between old and new buildings.
- B. General regulations. Minimum lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Table IX, shall apply, subject to other requirements of this Part 1.
- C. Specific regulations. The following uses are permitted, subject to the additional requirements below:

- (1) Agriculture, on a lot of two (2) acres or more, provided that not more than one (1) animal unit per acre shall be permitted. Buildings in which animals are housed or kept shall comply with the following setbacks from adjacent residential lots:

<u>Number of Animal Units</u>	<u>Setback from Adjacent Residential Lot (feet)</u>
1 to 2	100
3 to 10	150
11 or more	200

- (2) Dwellings accessory to any business use, provided that there is not more than one (1) dwelling unit for every two thousand (2,000) square feet of nonresidential space and subject to a maximum of four (4) dwelling units, each with a minimum of six hundred (600) square feet of interior space per unit.
- (3) Conversion of existing single-family detached dwellings to accommodate not more than four (4) families, provided that any such use shall have a minimum lot area of five thousand (5,000) square feet per dwelling unit. Parking shall be provided at a minimum of two (2) spaces per dwelling unit.
- (4) Motor vehicle filling or service stations and repair shops, provided that:
- (a) Pumps shall be at least 35 feet from all road rights-of-way.
- (b) All portions of the lot used for storage or service of motor vehicles shall be paved with a hard surface.
- (c) No obstructions which limit visibility at intersections or driveways shall be permitted.

- (d) Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness shall not adversely affect the operation of vehicles or reflect into residential buildings.
 - (e) No motor vehicle filling or service station driveway shall be located less than 400 feet from the property line of any public or private institutional use, including schools, houses of worship, hospitals, parks and playgrounds.
 - (f) Vehicles, except those vehicles used in the operation of the business, may not be stored on the property for more than 90 days.
 - (g) A motor vehicle filling or service station shall only be permitted if all properties adjacent to the proposed use are served by a public water supply.
- (5) Use limitations. All business uses in this district shall be subject to the following:
- (a) The maximum area for any business use shall be not more than two (2) acres, except shopping centers, agricultural services and construction equipment sales and service.
 - (b) The maximum building coverage and impervious surface standards shall be as follows:
 - [1] Maximum building coverage: forty percent (40%) of lot.
 - [2] Maximum impervious surface: eighty-five percent (85%) of lot.
 - (c) Shopping centers, when containing less than six (6) business uses and a gross area of less than fifteen thousand (15,000) square feet. Any shopping center shall be reviewed by the Historic District Commission to determine architectural compatibility in scale, massing, surface treatment and details with the existing village architecture.
 - (d) Enclosed building. All uses permitted shall be conducted within an enclosed building, except parking, loading, unloading, incidental storage and display, or as otherwise permitted.
 - (e) Storage restriction. Outside storage of material or equipment shall be permitted, provided that such storage does not cover more than thirty-five percent (35%) of the lot area and shall not be within the required front yard.
 - (f) Screening requirements. Outside storage shall be screened from any public road or any adjacent residential lot. Such screening shall consist of landscaping, walls or solid fencing of a height of at least six (6) feet and shall be continuous to prevent visibility of stored material or equipment.

- (6) Housing for the elderly when developed in accordance with Article VII. [Added by Bill No. 98-36]
- (7) Dwelling units, when on a permanent foundation.
- (8) Rubble landfills are permitted in accordance with § 267-40.1 of this chapter. [Added by Bill No. 91-10]

Table IX: Design Requirements for Specific Uses:**VB Village Business District**

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Amusements	10,000			70	25	10	40	35
Institutional / Motor Vehicle	20,000			70	35	20	40	30
Natural Resources	2 acres		50 (bldg.)					35
RESIDENTIAL: CONVENTIONAL								
Single Family Detached	10,000			70	25	10 (total of 25)	40	3 stories
Semi-detached	7,200			60	25	0 and 15	40	3 stories
Duplex	10,000	5,000		70	25	10 (total of 25)	40	3 stories
Transient Housing	15,000	3,000		100	25	10	30	3 stories
Retail Trade / Services	10,000			50	25	10	40	35
Transportation, Communications and Utilities	10,000			50	25	10	40	30
Public Utility Facilities (added by Bill No. 87-28)			25		25	25	25	30
Sewage Pumping Stations (added by Bill No. 87-28)			200		25	25	25	30
Highway Maintenance Facilities	5 acres		200	200	100	80	80	30
Warehousing	20,000		50	70	40	20	40	30
Rubble Landfills	100 acres							See Section 267-40.1

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53

§ 267-38.1. MO Mixed Office District [Added by Bill 05-39 as amended]

- A. Purpose. The MO district legislation is designed to promote major economic development opportunities, including, but not limited to, corporate offices, research and development facilities and high-tech services which create significant job opportunities and investment benefits. This area may also include retail uses to service the employment center. Designated at strategic I-95 interchanges, development will be subject to specific performance, architectural and site design standards. Enactment of this legislation shall not serve to open the development envelope beyond those areas designated “MO” on the 2004 Harford County Master Land Use Plan.
- B. Objectives.
- (1) To promote a mix of corporate offices, research and development facilities, high-tech services and retail and service uses in desirable areas in the County which have a positive affect on economic development and employment.
 - (2) To maximize the attractiveness of and to enhance the visual appearance through preservation of significant natural features.
 - (3) To assure compatibility of the proposed land use with internal and surrounding uses by incorporating innovative standards of land planning and site design.
 - (4) To encourage pedestrian access to uses and to reduce traffic congestion by encouraging the clustering of buildings near internal streets.
- C. General regulations.
- (1) Minimum lot or parcel area for the project shall be 20 acres.
 - (2) Buffer yards shall comply with requirements set forth in §267-28, Buffer Yards and Screening , for the General Industrial district.
 - (3) The project shall have direct access to one or more collector or higher functional classification roadways as defined by the Harford County Transportation Element Plan.
 - (4) The project must utilize public water and sewer service.
- D. Specific requirements. The following uses are permitted, subject to the additional requirements below:
- (1) The principal permitted uses in the MO, Mixed Office zoning district in Table I.

- (2) For purposes of the MO, Mixed Office zoning district, only the following transient residential uses shall be permitted:
 - (a) Country inns and resorts; and
 - (b) Hotels and motels.
- (3) Design requirements. Development in the MO district shall comply with the following regulations:
 - (a) Vehicular circulation.
 - [1] Loading and service areas shall be separated from the pedestrian and employee parking areas. Service areas shall be located away from roadways to the greatest extent possible.
 - [2] The internal vehicular circulation system must follow a pattern of intersection streets that provide alternative routes.
 - [3] Points of external access and alignments of internal roadways must facilitate use of public transit. This may include rights of way sufficient for bus pull-outs and bus shelters as well as transit easements on private streets.
 - [4] A comprehensive pedestrian circulation system must link all uses with the intent of minimizing walking distances and reducing dependence on the private automobile for internal travel and external access.
 - (b) Parking standards.
 - [1] All parking areas must be effectively screened from adjacent roadways and adjoining residential districts, pursuant to §267-28, Buffer Yards and Screening.
 - [2] Parking areas should be broken up into lots of no more than 150 cars; the lots should be separated by landscaped islands.
 - [3] The number of parking spaces provided and overall design and layout of parking lots must be in accordance with §267-25, Off-street Parking and Loading, of the Harford County Code.
 - [4] No direct access to any lot is allowed from a collector or higher functional classification road as defined in the Harford County Transportation Element Plan.

- [5] All access points from a parcel in the MO district shall be consolidated wherever feasible.
- (c) Landscaping. The following landscaping regulations shall apply in the MO district:
 - [1] Facilities for refuse disposal shall be enclosed by solid fence or walls, and landscaping shall be installed around the perimeter.
 - [2] Existing trees shall be retained and incorporated into the landscaping and site design to the greatest extent possible. Every effort should be made to avoid formality in plantings, except as it may be integral to an architectural concept. Emphasis should be placed on the natural grouping of groves of trees, and every opportunity should be taken to emphasize or take advantage of natural terrain features.
 - [3] Islands and other landscaping alternatives shall be incorporated into parking areas to add visual interest. The use of islands, perimeter or roof top gardens designed and landscaped to serve as bioretention facilities is encouraged.
- (d) Building design standards.
 - [1] An architectural rendering of the building facade and elevations of the structures shall be submitted to the Department of Planning and Zoning as part of the site plan approval process.
 - [2] Architecturally harmonious materials, colors, textures and treatments shall be used for all exterior walls within the MO district. All sides of the building are to be built with finish materials, including, but not limited to, brick, natural stone and ornamental block. In no event, however, shall wood, vinyl or aluminum siding be used.
 - [3] Mechanical equipment should be located within the building or within a mechanical equipment penthouse. If mechanical equipment is located on the roof or is freestanding on the site, it must be effectively screened from view by means fully compatible with the architecture. Mechanical equipment must be screened from view from all sides.
 - [4] Outdoor storage is prohibited.
- (e) Retail/service uses.
 - [1] Retail and service other than professional services and corporate office uses may be incorporated into the overall project for up to 25%.

- [2] Retail and service uses shall not have direct access on a collector or higher functionally classified roadway.
 - [3] Any retail or service use may be incorporated as part of the office park buildings.
 - [4] Professional services and corporate office uses shall not be limited to 25% of the overall project.
- (f) Lighting.
- [1] The lighting fixtures shall be designed to assure compatibility with the building style.
 - [2] Lighting shall be designed, installed and maintained in a manner not to cause a glare or reflection on adjacent residential lots.
- (g) Open Space. The MO district shall include a minimum of 15% of the parcel area preserved as vegetated open space. The buffer yards, landscaped parking islands, building and perimeter landscaping shall be included in the calculation of open space, so long as a minimum width of 10 feet is maintained. Vegetated stormwater management facilities shall be included in the calculation of open space.
- (h) Signage.
- [1] Signage shall be considered an integral part of the design and shall incorporate the architectural elements and materials utilized. In all instances, consideration shall be taken to ensure each sign does not restrict site distance for motor vehicle operators.
 - [2] An overall signage plan and architectural renderings of the signs shall be submitted as part of the site plan approval process. The signage shall be compatible in quality, style, color and materials to the building(s). Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.
 - [3] Freestanding identification signs shall be limited to 1 sign for each road frontage. The maximum size of any sign shall not exceed 50 square feet. The maximum height of the signs shall not exceed 10 feet, and signs must be set back a minimum of 10 feet from the road right-of-way line.
 - [4] Signs to identify the use of an occupant shall be designed as part of the architectural design of the building and attached thereto, not exceeding 1 square foot for each horizontal linear foot of wall facing on the street on which the sign faces.

- [5] Directional information signs shall be adequately provided and design coordinated.
 - [6] The following types of signs shall not be permitted for any project located in the MO district:
 - [a] Billboards.
 - [b] Flashing, revolving, rotating or changing-light-intensity or changing-color signs.
 - [c] Temporary or portable signs.
 - (i) Impervious surface. The MO district shall contain a maximum impervious surface of 85%.
- E. Community input. Developments in the MO district shall be subject to an advertised public informational meeting held by the developer. This meeting shall solicit comments from the community regarding the site design, center function and community amenities. The developer shall have draft concept plans for the site layout, proposed materials and illustrations of the architectural style proposed. This meeting shall be held prior to submittal of a site plan for review through the Development Advisory Committee.

Table IXA: Design Requirements for Specific Uses:
MO Mixed Office District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Amusements				50	25	10	35	35
Institutional / Motor Vehicle	20,000		25	70	30	20	40	35
Natural Resources	2 acres		50 (bldg.)					35
RESIDENTIAL: TRANSIENT HOUSING								
Country Inns and Resorts	10,000	2,000		70	30	10	40	45 or 3 stories
Hotel/Motel	40,000	1,000	25	100	30	20	40	85
Industrial	10,000	4,500	50	50	25	10	40	30
Retail Trade / Services			25	50	25	5	35	35
Transportation, Communications and Utilities	10,000		50	50	25	10	40	30
Sewage Pumping Stations			200		25	25	25	30

NOTE:

General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53

§ 267-39. B1, B2 and B3 Business Districts. [Amended by Bill 05-23]

- A. Purpose. The B1, B2 and B3 Districts are intended to provide sufficient and convenient locations for business uses that serve the needs of local neighborhoods and communities and the traveling public.
- (1) B1 Neighborhood Business District. This district is intended to provide limited retail and service facilities convenient to residential neighborhoods. To this end, uses are limited primarily to convenience of goods and services satisfying the household and personal needs of the residents of abutting residential neighborhoods. Standards are established compatible with low-density residential districts, resulting in similar building bulk and low concentration of vehicular traffic.
- (2) B2 Community Business District. This district is intended to provide a wider range and scale of retail, business and service uses than are permitted in the B1 District and is oriented to serve several neighborhoods. The intensity of development as well as the concentration of vehicular traffic is greater than the B1 District.
- (3) B3 General Business District. The purpose of this district is to provide a wide range of retail, service and business uses serving local and countywide areas. Such activities are generally located along arterial roads.
- B. General regulations. Minimum lot area, area per family, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Tables X through XII, shall apply, subject to other requirements of this Part 1.
- C. Specific regulations. The following uses are permitted in each business district, subject to the additional requirements below:
- (1) Agriculture, on a lot of two (2) acres or more, provided that not more than one (1) animal unit per acre shall be permitted. Buildings in which animals are housed or kept shall comply with the following setbacks from adjacent residential lots:

<u>Number of Animal Units</u>	<u>Setback from Adjacent Residential Lot (feet)</u>
1 to 2	100
3 to 10	150
11 or more	200

- (2) Residential uses as accessory uses, in accordance with the following:
- (a) Not more than one (1) dwelling unit for any business lot, provided that said lot is a minimum of twenty thousand (20,000) square feet. The dwelling unit shall conform to the setback requirements of the principal use.

- (3) Shopping center, provided that it contains fewer than six (6) business uses and the gross floor area is less than twenty thousand (20,000) square feet. Shopping centers on parcels of three (3) acres or more in excess of any of the above-noted provisions shall be developed as an integrated community shopping center (ICSC) in accordance with § 267-47.
- (4) Lot coverage. The building coverage and impervious surface standards shall be as follows:

<u>District</u>	Maximum Building Coverage (percent of total lot)		
	<u>Individual Uses or Shopping Center</u>	<u>Integrated Community Shopping Center</u>	<u>Maximum Impervious Surface for All Uses (percent of total lot)</u>
B1	25%	35%	80%
B2	30%	40%	85%
B3	35%	45%	85%

- (5) Modification of height requirement. Maximum building height may be exceeded if side and rear yards are increased in width and depth by one (1) additional foot for every one (1) foot of excess height.
- (6) Use limitations. The permitted uses in the business districts shall comply with the following:
- (a) Enclosed building. All uses permitted, except secondhand merchandise shops in a B3 District, shall be conducted within an enclosed building, except parking, loading, unloading, incidental storage and display, or as otherwise permitted. Secondhand merchandise shops in a B3 District shall be permitted to conduct such uses outside of the building between the hours of 8:00 a.m. and 5:00 p.m.
 - (b) Storage restriction. Outside storage of material or equipment shall not be permitted in the B1 and B2 Districts. Outside storage shall be permitted in the B3 District, provided that such storage does not cover more than thirty-five percent (35%) of the lot area and shall not be within the required front yard. Outside storage for the following uses may exceed thirty-five percent (35%) of the lot area when located not less than two hundred (200) feet from any residential district.
 - [1] Building material sales yards, including concrete mixing; lumberyard, including millwork; contractor's equipment storage yard or plant or rental of equipment commonly used by contractors; storage and sale of livestock feed and/or solid fuel, provided that dust is effectively controlled; storage yards for vehicles of a delivery or draying service; and public utility yards for construction, maintenance or storage.

- [2] Carnivals, circuses, concerts or public events.
 - [3] Flammable liquids, underground storage only, not to exceed twenty-five thousand (25,000) gallons.
 - [4] Liquefied petroleum products, provided that said products are stored in tanks which meet the American Society of Mechanical Engineers Code design approval, and said storage shall comply with the rules and regulations of the latest edition of the NFPA No. 58 Standard for the storage and handling of liquefied petroleum gases, including any revisions thereof, and that the extent of such installation shall not exceed thirty thousand (30,000) gallons' water capacity.
 - [5] Secondhand merchandise shops in a B3 District, provided that such products shall not be stored outside after 5:00 p.m.
- (c) Screening requirement. Outside storage shall be screened from any public road or any adjacent residential lot. Such screening shall consist of landscaping, walls or solid fencing of a height of at least six (6) feet and shall be continuous to prevent visibility of the stored material or equipment.
- (7) Motor vehicle filling or service stations and repair shops, in the B2 and B3 Districts, provided that:
- (a) Pumps shall be at least 25 feet from all road rights-of-way.
 - (b) All portions of the lot used for storage or service of motor vehicles shall be paved with a hard surface.
 - (c) No obstructions which limit visibility at intersections or driveways shall be permitted.
 - (d) Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness shall not adversely affect the operation of vehicles or reflect into residential buildings.
 - (e) No motor vehicle filling or service station driveway shall be located less than 400 feet from the property line of any public or private institutional use, including schools, houses of worship, hospitals, parks or playgrounds.
 - (f) Vehicles, except those vehicles used in the operation of the business, may not be stored on the property for more than 90 days.
 - (g) A motor vehicle filling or service station shall only be permitted if all properties adjacent to proposed use are served by a public water supply.

- (8) Housing for the elderly in the B3 District when developed in accordance with Article VII. [Added by Bill No. 98-36]
- (9) Dwelling units, when on a permanent foundation.
- (10) Rubble landfills are permitted in accordance with § 267-40.1 of this chapter. [Added by Bill No. 91-10]
- (11) [Added by Bill No. 96-66] Adult bookstores and/or entertainment centers. These uses are limited to the B3 District upon the condition that:
 - (a) No lot on which such establishment is located shall be located within 1,000 feet of any institutional or residential use as listed on the appropriate use tables.
 - (b) The merchandise shall be arranged to ensure that no merchandise depicting, describing, showing or relating to sexual conduct, sexual excitement, sadomasochistic abuse or human genitalia is visible from the outside of the establishment.
 - (c) No use shall be located within 1,000 feet of an existing adult bookstore/adult entertainment center.
 - (d) The hours of operation shall not include any time periods between midnight and six a.m.
- (12) [Added by Bill No. 02-20] Custom made wood household furniture. This use is limited to the B3 district upon the condition that:
 - (a) The minimum lot size shall be 1 acre.
 - (b) A minimum 100 foot setback shall be maintained from any adjoining residentially zoned properties.
 - (c) This use shall only be permitted to operate between the hours of 7:00 a.m. and 9:00 p.m., inclusive.
 - (d) The total size of the building housing the use shall not exceed 4,400 square feet.

**Table X: Design Requirements for Specific Uses:
B1 Neighborhood Business District**

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Amusements/Institutional	20,000			70	30	20	40	30
Motor Vehicle	10,000		25	70	30	20	40	30
Natural Resources	2 acres		50 (bldg.)					35
RESIDENTIAL: CONVENTIONAL								
Single Family Detached	10,000			70	35	20	40	35 or 3 stories
Semi-detached	6,500			55	30	0 and 15	30	35 or 3 stories
Duplex	12,000	6,000		80	30	15	40	35 or 3 stories
Transient Housing	10,000	3,000		70	35	20	40	45 or 3 stories
Retail Trade / Services	10,000		15	50	25	5	40	30
Transportation, Communications and Utilities	10,000			50	25	10	40	30
Public Utility Facilities (added by Bill No. 87-28)			25		25	25	25	30
Sewage Pumping Stations (added by Bill No. 87-28)			200		25	25	25	30
Highway Maintenance Facilities, Landfill and Sewage Treatment Plants	5 acres		200	200	100	80	80	30
Rubble Landfills	100 acres							See Section 267-40.1

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53

Table XI: Design Requirements for Specific Uses:**B2 Community Business District**

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Amusements				50	25	10	35	35
Institutional / Motor Vehicle	15,000		25	50	30	20	40	35
Natural Resources	2 acres		50 (bldg.)					35
RESIDENTIAL: CONVENTIONAL								
Single Family Detached	7,500			60	30	10	40	35 or 3 stories
Semi-detached	5,000			50	25	0 and 15	35	35 or 3 stories
Duplex	9,000	4,500		70	25	15	35	35 or 3 stories
Transient Housing	10,000	3,000		70	30	10	40	45 or 3 stories
Hotel / Motel	40,000	1,000	20	100	30	20	40	35 or 3 stories
Retail Trade / Services		0	20	50	25	5	35	35
Transportation, Communications and Utilities	10,000		50	50	25	10	40	30
Public Utility Facilities (added by Bill No. 87-28)			25		25	25	25	30
Sewage Pumping Stations (added by Bill No. 87-28)			200		25	25	25	30
Highway Maintenance Facilities, Landfill and Sewage Treatment Plants	2 acres		200	100	80	50	50	30
Warehousing, Wholesaling and Processing	40,000		50	100	30	20	40	30
Rubble Landfills	100 acres							See Section 267-40-.1

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53

Table XII: Design Requirements for Specific Uses:
B3 General Business District (Part 1)

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Amusements				50	25	10	35	35
Institutional / Motor Vehicle	20,000		25	70	30	20	40	35
Natural Resources	2 acres		50 (bldg.)					35
RESIDENTIAL: CONVENTIONAL								
Single Family Detached	7,500			60	30	10	40	35 or 3 stories
Semi-detached	4,000			45	25	0 and 10	25	30 or 2 stories
Duplex	8,000	4,000		70	25	15	35	35 or 3 stories
Apartments	5 acres	1,245		110	30	30	35	80
Transient Housing	10,000	2,000		70	30	10	40	45 or 3 stories
Hotel / Motel	40,000	1,000	25	100	30	20	40	35 or 3 stories
Industrial	10,000	4,500	50	50	25	10	40	30
Retail Trade / Services			25	50	25	5	35	35
Transportation, Communications and Utilities	10,000		50	50	25	10	40	30
Public Utility Facilities (added by Bill No. 87-28)			25		25	25	25	30
Sewage Pumping Stations (added by Bill No. 87-28)			200		25	25	25	30
Highway Maintenance Facilities, Landfill and Sewage Treatment Plants	2 acres		200	100	80	50	50	30

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53

Table XII: Design Requirements for Specific Uses:

B3 General Business District (Part 2)

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Warehousing, Wholesaling, and Processing	40,000		50	100	30	20	40	30
Rubble Landfills	100 acres							See Section 267-40,1

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53

Section 2 of Bill No. 84-37 provided that said act "shall not apply to a prior conditional use approval authorized by the Board of Appeals or to any subdivision or development of land that has a recorded plat and has also received three or more building permits for the location of mobile homes by the effective date of said act."

§ 267-40. CI, LI and GI Industrial Districts. [Amended by Bill Nos. 90-30; 91-10; 97-12 and 05-23]

A. Purpose.

- (1) CI Commercial Industrial District. This district is intended for industrial, office and business uses of a moderate scale and intensity.
- (2) LI Light Industrial District. This district is intended to permit a mix of light manufacturing, warehousing and service uses. Retail sales are not permitted except as accessory to a manufacturing or distribution operation where the product is produced or warehoused on site or as otherwise permitted.
- (3) GI General Industrial District. This district is intended for industrial uses of a larger scale or more intensive processing with large areas of unenclosed storage, which may generate substantially more impact on surrounding properties. Retail sales are not permitted except as accessory to a manufacturing operation where the product is produced on a site or as otherwise permitted.

B. General regulations. Minimum lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Tables XIII, XIV and XV, shall apply, subject to other requirements of this Part 1.

C. Specific regulations applicable to industrial districts. The following uses are permitted, subject to the additional requirements below:

- (1) Agriculture, subject to the minimum setback requirements.
- (2) Motor vehicle filling or service stations and repair shops in the CI District, provided that:
 - (a) Pumps shall be at least 25 feet from all road rights-of-way.
 - (b) All portions of the lot used for storage or service of motor vehicles shall be paved with a hard surface, including travelways.
 - (c) No obstructions which limit visibility at intersections or driveways shall be permitted.
 - (d) Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness shall not adversely affect the operation of vehicles or reflect into residential buildings.
 - (e) Vehicles, except those vehicles used in the operation of the business or stored pending insurance settlement may not be stored on the property for more than 90 days.
 - (f) A motor vehicle filling or service station shall only be permitted if all properties adjacent to the proposed use are served by a public water supply.

- (3) Extraction activities in the CI and GI Districts, provided that:
- (a) Upon filing an application with the Maryland Department of the Environment, the applicant shall file a copy of the application with the Department of Planning and Zoning. [Amended by Bill No. 97-80]
 - (b) Extraction activities shall be screened from adjacent residential lots and public roads pursuant to § 267-28, Buffer yards, or by a planted earth berm not less than six (6) feet in height and fifteen (15) feet in width.
 - (c) [Added by Bill No. 97-80] The following buffer requirements shall be maintained:
 - [i] All areas in which extraction, washing, crushing, processing, blasting, overburden storage or disposal or similar activities shall be at least 800 feet from the property line of any parcel with an R1, R2, R3, R4, VR or RO zoning classification; and
 - [ii] All areas in which extraction, washing, crushing, processing, blasting or similar activities occur shall be at least 200 feet from the property line of any parcel with an AG or RR zoning classification.
- (4) Design requirements. The following design requirements shall apply in the CI, LI or GI Districts:
- (a) Lot coverage. The maximum building coverage and maximum impervious surface standards shall be as follows:
- | <u>District</u> | <u>Maximum Building Coverage
(percent of total lot)</u> | <u>Maximum Impervious Surface
(percent of total lot)</u> |
|-----------------|---|--|
| CI | 50% | 85% * |
| LI | 55% | 85% * |
| GI | 60% | 90% * |
- *Subject to forest conservation requirements.
- (b) Parking. All parking or loading facilities shall be accommodated on the lot. All roads and parking areas shall be provided with an all-weather, dustless surface.
- (5) Modification of height requirements. Maximum building height may be exceeded if side and rear yards are increased in width and depth by one (1) additional foot for every one (1) foot of excess height.
- (6) Use limitations within the Commercial Industrial District. Any use permitted within the Commercial Industrial District shall be subject to the following:

- (a) Enclosed building. All uses permitted shall be conducted within an enclosed building, except for parking, loading, unloading, incidental storage and display, or as otherwise permitted.
- (b) Outside storage restriction. Outside storage of materials or equipment not enclosed within a building or structure shall not cover more than fifty percent (50%) of the area and shall not be within the required front yard. Outside storage for the following uses may exceed fifty percent (50%) of the lot area when located not less than two hundred (200) feet from any residential district.
 - [1] Building material sales yards, including concrete mixing; lumberyard, including millwork; contractor's equipment storage yard or plant or rental of equipment commonly used by contractors; storage and sale of livestock feed and/or solid fuel, provided that dust is effectively controlled; storage yards for vehicles of a delivery service; and public utility yards for construction, maintenance or storage.
 - [2] Carnivals, circuses, concerts or public events.
 - [3] Flammable liquids, underground storage only, not to exceed 25,000 gallons.
 - [4] Liquefied petroleum products, provided that said products are stored in tanks which meet the American Society of Mechanical Engineers Code design approval, and said storage shall comply with the rules and regulations of the latest edition of the NFPA No. 58 Standard for the storage and handling of liquefied petroleum gases, including any revisions thereof, and that the extent of such installation shall not exceed 30,000 gallons' water capacity.
- (c) Retail trade uses. Retail trade uses are permitted, provided that not more than two (2) retail trade uses are on any single lot.
- (d) Screening requirements. The outside storage area shall be screened from a public arterial or collector road or any adjacent residential district. Such screening shall consist of landscaping, walls or solid fencing of a height of at least six (6) feet and shall be continuous to prevent visibility of the stored material or equipment.
- (7) Use limitations within the Light Industrial District. Any use permitted within the Light Industrial District shall be subject to the following:
 - (a) Enclosed building. All uses permitted shall be conducted within an enclosed building, except for parking, loading, unloading, incidental storage and display or as otherwise permitted.

- (b) Outside storage restriction. Outside storage of materials or equipment, not enclosed within a building or structure, shall not cover more than fifty percent (50%) of the gross area and shall not be within the required front yard. Outside storage for the following uses may exceed fifty percent (50%) of the lot area when located not less than two hundred (200) feet from any residential district.
 - [1] Building material sales yards, including concrete mixing; lumberyard, including millwork; contractor's equipment storage yard or plant or rental of equipment commonly used by contractors; storage and sales of livestock feed and/or solid fuel, provided that dust is effectively controlled; storage yards for vehicles or a delivery service; and public utility yards for construction, maintenance or storage.
 - [2] Carnivals, circuses, concerts or public events.
 - (c) Screening requirements. Outside storage areas shall be screened from any arterial or collector road or any adjacent residential district. Such screening shall consist of landscaping, walls or solid fencing of a height of at least six feet and shall be continuous to prevent visibility of the stored material or equipment.
- (8) Use limitations within the General Industrial District. Any use permitted in the General Industrial District shall be subject to the following:
- (a) Outside storage restrictions. Outside storage of materials or equipment shall not exceed seventy percent (70%) of the gross lot area.
 - (b) Screening requirements. The outside storage area shall be screened to fifty-percent (50%) opacity from an arterial or collector road or adjacent residential district. Such screening shall consist of landscaping, walls, topographic break or fencing of a height of at least six (6) feet.
 - (c) Industrial developments with overall development plan approval from the Department of Planning and Zoning prior to the effective date of this Act may include office, retail and service uses. Service uses, except personal services, may occupy up to 10% of the parcel area, retail trade and personal service uses up to 5%.
- (9) Housing for the elderly in the CI District when developed in accordance with Article VII. [Added by Bill No. 98-36]
- (10) Continuing care retirement community (CCRC). The continuing care retirement community shall be developed in accordance with the provisions of Article VII. The CCRC shall be permitted in the CI District. The minimum lot size is 20.0 acres. [Added by Bill No. 98-36]

- (11) [Added by Bill No. 98-37] Noncompetitive recreational amusement cars in the CI District, provided that:
- (a) The minimum lot size shall be 5 acres.
 - (b) The project shall be directly accessible by 1 or more existing or planned arterial or collector roads.
 - (c) A minimum 100 foot setback shall be maintained from any adjoining residentially zoned properties.
 - (d) A buffer yard of 25 feet shall be provided from any adjoining residentially zoned district.
 - (e) Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness shall not adversely affect the operation of vehicles or reflect into residential buildings.
 - (f) The operation of the cars shall not occur between the hours of 11:00 p.m. and 8:00 a.m.
 - (g) Noise levels emanating from activities on the site may not exceed 65 decibels.
- (12) Rubble landfills are permitted in the CI, LI and GI Districts in accordance with §267-40.1 of this chapter. [Added by Bill No. 91-10]

§ 267-40.1. Rubble landfills. [Added by Bill No. 91-10; 97-12]

A rubble landfill may be permitted in the AG, RR, R, R1, R2, R3, R4, RO, VR, VB, B1, B2, B3, CI, LI and GI Districts only if:

- A. The site is at least one hundred (100) acres in size;
- B. The site has a buffer that satisfies the requirements of § 267-28D(4) of this chapter;
- C. All areas in which solid waste is deposited are at least five hundred (500) feet from the Floodplain District established by Chapter 131 of this Code;
- D. Notwithstanding § 267-28D(4) of this chapter, all areas in which solid waste is deposited are at least one thousand (1,000) feet from any lawfully permitted off-site residential or institutional building;
- E. The rubble landfill is contoured to substantially conform to the original grade of the site and, in any case, the height of the landfill does not exceed the height of the tallest structure or natural feature within two thousand five hundred (2,500) feet of the parcel.

Table XIII: Design Requirements for Specific Uses:

CI Commercial Industrial District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Amusements	10,000			50	25	10	35	35
Industrial			50	60	25	15	25	40
Institutional	40,000			100	30	20	40	30
Motor Vehicles	20,000		25	70	30	20	40	30
Natural Resources	2 acres		50 (bldg.)					35
Retail Trade / Services	10,000		25	50	25	10	35	35
Transportation, Communications and Utilities	10,000		50	50	25	10	40	30
Public Utility Facilities			25		25	25	25	30
Sewage Pumping Stations			200		25	25	25	30
Sanitary Landfills	2 acres		200	100	80	50	80	30
Warehousing, Wholesaling and Processing	20,000		50	70	30	20	40	30
Residential (Transient Housing)	40,000	1,000	25	100	30	20	40	35 feet or 3 stories
Rubble Landfills	100 acres							See §267-40.1
Mineral Extraction and Processing	2 acres		See §267-40					35

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53

Table XIV: Design Requirements for Specific Uses:

LI Light Industrial District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Amusements	10,000			50	25	10	35	35
Industrial			50	60	25	15	25	40
Institutional	40,000		50	100	30	20	40	30
Motor Vehicles	20,000		25	100	30	20	40	30
Natural Resources	2 acres		50 (bldg.)					35
Services	10,000		25	50	25	10	35	35
Transportation, Communications and Utilities	10,000		50	50	25	10	40	30
Public Utility Facilities			25		25	25	25	30
Sewage Pumping Stations			200		25	25	25	30
Warehousing, Wholesaling and Processing	20,000		50	50	25	15	25	40
Residential (Transient Housing)	20,000		25	100	25	10	25	35
Rubble Landfills	100 acres							See §267-40.1

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53

Table XV: Design Requirements for Specific Uses:

GI General Industrial District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Minimum Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Amusements	10,000			50	25	10	35	35
Industrial			100	60	25	15	25	40
Institutional/Motor Vehicle	40,000		25	100	30	20	40	30
Natural Resources	2 acres		50 (bldg.)					35
Retail Trade / Services	20,000		25	50	25	10	35	35
Transportation, Communications and Utilities	10,000		50	50	25	10	40	30
Public Utility Facilities			25		25	25	25	30
Sewage Pumping Stations			200		25	25	25	30
Sanitary Landfills	2 acres		200	100	80	50	80	30
Warehousing, Wholesaling and Processing			50	50	25	10	25	40
Residential (Transient Housing)	40,000	1,000	25	100	30	20	40	35 ft. or 3 stories
Rubble Landfills	100 acres							See §267-40.1
Mineral Extraction and Processing	2 acres		See §267-40					35

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in §267-18 through §267-53

§ 267-41. Special overlay districts. [Amended by Bill No. 82-54]

- A. The Historic District shall be as set forth in Part 2 of this chapter of the County Code.
- B. The Agricultural Land Preservation District shall be as set forth in Part 3 of this chapter of the County Code.
- C. The Floodplain District shall be as set forth in Chapter 131 of the County Code.
- D. Natural Resources District. [Amended by Bill Nos. 85-12; 88-22]
 - (1) Purpose. The intent of this overlay district is to preserve significant/special environmental features identified herein and to:
 - (a) Provide uniform guidelines for orderly development and use of land within the Natural Resources District to protect the ecology of the area.
 - (b) Protect steep terrain.
 - (c) Protect water quality in streams and rivers.
 - (d) Minimize erosion/siltation and protect essential vegetation.
 - (e) Protect nontidal wetlands.
 - (f) Protect persons and property from environmental hazards such as erosion, siltation and floodwaters.
 - (2) Application. The Natural Resources District shall apply to the following environmental features:
 - (a) Steep slopes: any land area exceeding forty thousand (40,000) square feet with a slope in excess of twenty-five percent (25%).
 - (b) Marsh areas: any area of nontidal wetlands exceeding forty thousand (40,000) square feet, including but not limited to areas designated as "areas of critical state concern" by the Maryland Department of State Planning. The Natural Resources District boundaries under this provision shall include the buffers described in Subsection D(5)(e) below.
 - (c) Streams: the following streams, including Broad Creek, Bynum Run, Carsins Run, Deer Creek, Grays Run, Ahha Branch, Herring Run, Little Gunpowder Falls, Rock Run, Peddler Run, Swan Creek, Winters Run and their tributaries, as identified on the Harford County Hydrology Map (1976 Revised Maryland Geological Survey Base Map 1:62,500). Tributaries to the above streams

which drain a subbasin of more than four hundred (400) acres are included in the Natural Resources District stream designation. The acreage of a subbasin is determined at the point of confluence with another stream identified on the County Hydrological Map. The Natural Resources District area for stream protection shall be a minimum distance of one hundred fifty (150) feet on both sides of the center line of the stream or fifty (50) feet beyond the one-hundred-year floodplain, whichever is greater, and along their tributaries for a minimum of seventy-five (75) feet on both sides of the center line of the tributary. The Natural Resources District boundaries under this provision shall include the buffer requirements of Subsection D(4)(b) and (5)(b) of this section.

- (3) Use restrictions. The following uses shall be prohibited:
 - (a) Mining or excavation, except existing operations of either, and dredging, except such dredging as may be permitted by state law.
 - (b) Deposit or landfills of refuse or solid or liquid waste, except manure. Acceptable fill permitted by the United States Army Corps of Engineers may be used for stream bank erosion control.
 - (c) Alteration of the streambed and bank of a waterway, except for best management practices to reduce stream erosion and maintenance of stream crossings for agricultural purposes.
- (4) Permitted uses. The following land uses shall be permitted, provided that the conditions described herein are met:
 - (a) Agriculture. Agriculture shall be permitted, provided that accepted soil conservation practices of the Soil Conservation Service are implemented along watercourses or a twenty-five-foot-wide grass filter strip along the edge of cropland bordering streams is provided to reduce surface runoff and associated pollutants from entering waterways.
 - (b) Forestry. Commercial timber operations shall be permitted, provided that a Forest Management Plan (FMP) is approved by the Maryland Forest, Park and Wildlife Service and the Department of Planning and Zoning. Along streams, a buffer of fifty (50) feet, plus four (4) feet for each one-percent increase in slope, measured from the water's edge, shall be provided. The restriction on harvesting within this buffer may be waived, provided that a site-specific Buffer Management Plan is prepared and approved as an amendment to the Forest Management Plan (FMP). The Buffer Management Plan shall address potential water-quality impacts and shall include a minimum undisturbed buffer designed according to site characteristics. Trees within the buffer may also be harvested to remove diseased, insect-damaged or fire-damaged trees in order to salvage the same or reduce potential stream blockage due to fallen timber. Landowners are exempted from the Forest Management Plan (FMP)

requirement when timber is harvested for personal use only. Forestry operations within the urban residential districts (R1, R2, R3 or R4) shall be required to meet the conservation requirements under Subsection D(5) below.

- (c) Utilities. The replacement of existing utilities or installation of new and accessory utilities will be permitted within the Natural Resources District. Following the placement of utilities, the disturbed land area shall be stabilized and reseeded. Wherever technically feasible, a buffer of seventy-five (75) feet from the water's edge shall be provided along watercourses.
 - (d) Stormwater management. Where required, stormwater management facilities are permitted within the Natural Resources District, subject to other Harford County Stormwater Management Regulations.
- (5) Conservation requirements. The following conservation measures are required within this district:
- (a) All development shall minimize soil disturbance during development and shall reduce soil erosion and sedimentation. When developing site plans, consideration shall be given to maintaining the existing drainageways within the Natural Resources District.
 - (b) Clearing or removal of natural ground cover and vegetation in preparation for development shall be minimized. Site development shall be clustered or designed in such a manner to preserve large contiguous tracts of woodland. Clearing of woodlands shall not reduce the area coverage of trees below seventy percent (70%). Along streams, a buffer with minimum width of fifty (50) feet, plus four (4) feet for each one-percent increase in slope, measured from the water's edge, shall be provided. Trees within the buffer may be harvested to remove diseased, insect-damaged or fire-damaged trees to salvage the same or reduce potential stream blockage due to fallen timber. Essential access roads may be permitted to traverse the buffer.
 - (c) Sensitive environmental areas, including significant/special natural features, significant wildlife habitats, saturated soils, highly erodible soils and designated scenic areas shall not be disturbed during any development.
 - (d) Any land in excess of twenty-five-percent slope for an area of forty thousand (40,000) square feet or more shall not be cleared of natural ground cover or vegetation in preparation for development, except for necessary roads and utilities. Not more than thirty percent (30%) of any land in excess of fifteen-percent slope and less than twenty-five-percent slope shall be cleared of natural ground cover or vegetation in preparation for development.
 - (e) Nontidal wetlands shall not be disturbed by development. A buffer of at least seventy-five (75) feet shall be maintained in areas adjacent to wetlands.

- (6) Variances. The Board may grant a variance to Subsection D(3), (4) or (5) of the Natural Resources District regulations upon a finding by the Board that the proposed development will not adversely affect the Natural Resources District. Prior to rendering approval, the Board shall request advisory comments from the Zoning Administrator, the Soil Conservation Service and the Department of Natural Resources.
 - (7) Development adjustment. If more than thirty percent (30%) of a parcel zoned residential or agricultural, as of September 1, 1982, is within this district, the housing types and design requirements, excluding gross density, of the next most dense residential district shall apply, provided that sensitive environmental features on the site are protected. When this adjustment is used, development shall not occur on slopes in excess of fifteen percent (15%) for an area of forty thousand (40,000) square feet or more.
 - (8) Extension of district. Upon presentation of factual information by the property owner demonstrating the existence of sensitive environmental features deserving protection, the Board may, pursuant to § 267-9, Board of Appeals, extend the boundaries of the district.
 - (9) Adjustment of district. The application of this district to the Zoning Maps shall be construed as general in nature and may be adjusted by the Zoning Administrator upon the presentation of engineering data which delineate more precisely the boundaries of this district in conformance with Subsection D(2) above.
- E. The requirements of this section shall not apply to developments with approved concept plans or preliminary plans prior to the effective date of this Part 1. [Added by Bill No. 85-12]

§ 267-41.1. Chesapeake Bay Critical Area Overlay District. [Added by Bill No. 88-23; amended by Bill Nos. 94-62; 95-54; 96-51; 97-6; 00-54; 01-35]

- A. Purpose and intent. The State of Maryland has recognized the Chesapeake Bay as an estuarine system of great importance to the state and to the nation as a whole. As such, it has enacted the Chesapeake Bay Critical Area Act (Chapter 794, Laws of 1984, as amended) and the Chesapeake Bay Critical Area Program Development Criteria pursuant to that Act, which require that local jurisdictions implement a management and resource protection program for those areas within 1,000 feet of tidal waters and tidal wetlands and any additional areas that a local jurisdiction deems important to carry out the purpose of the Act. Harford County also recognizes the importance of protecting the resources of the Chesapeake Bay and hereby establishes that the goals of this management program are to:
- (1) Minimize adverse impacts on water quality resulting from sedimentation and stormwater runoff from development in the coastal areas of the county.
 - (2) Conserve fish, wildlife and plant habitat.
 - (3) Maintain and, if possible, increase the amount of forested area in the county's coastal areas because of its benefits to water quality and plant and wildlife habitat.
 - (4) Minimize the adverse secondary impacts of development occurring in the coastal areas of the county.
 - (5) Monitor and control development in the county's critical area so that the natural resources of the Chesapeake Bay, its tidal tributaries and their shoreland areas will be protected and preserved for future generations.
- B. Creation. In order to carry out the provisions of this resource protection and management program, a Critical Area Overlay District is hereby established, in conjunction with existing zoning regulations and districts which shall apply to all development and redevelopment within the county's critical area. The regulations of the overlay district are intended to foster environmentally sensitive development within the county's critical area by setting forth standards requiring the minimization of adverse impacts on water quality and protection of the natural plant, fish and wildlife habitats in the county's Chesapeake Bay Critical Area. The management program developed for land areas lying within the overlay district shall be the county's Master Plan for such areas.
- C. Application. The requirements of the Critical Area Overlay District shall apply to all areas shown on each Zoning Map Overlay, to include, at a minimum, all areas within 1,000 feet of tidal waters and state or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, and such additional areas as designated to meet the purpose of the district. The overlay district as shown on each Zoning Map Overlay is further divided into 3 separate land use management categories for the purposes of planning, regulating and monitoring the type and intensity of land use development and

redevelopment activities occurring within the county's critical area. The 3 land use management categories are as follows:

- (1) Intensely developed areas (IDA).
 - (2) Limited development areas (LDA).
 - (3) Resource conservation areas (RCA).
- D. Soil types. Soil types in Harford County's critical area with development constraints are set forth in Table XVI, attached hereto and incorporated herein by reference as part of this section as though it were fully stated herein.
- E. Prohibited uses.
- (1) The following uses shall be prohibited within this overlay district:
 - (a) New or expanded sanitary landfills and rubble landfills.
 - (b) New or expanded solid or hazardous waste collection or disposal facilities.
 - (c) New storage tanks for vehicle fuels on residential lots.
 - (2) All existing facilities of these types shall be operated in conformance with all applicable county, state and federal regulations.
- F. Regulation of uses in the Critical Area Overlay District.
- (1) Existing zoning. Unless otherwise specified in this section, the rights and limitations pertaining to the use of the land as specified in this Zoning Code shall remain in effect, subject to compliance with any additional requirements of this section.
 - (2) This section supplements existing county zoning and other regulations governing development in the critical area and is superimposed upon all existing zones and land use activity specified in this section. All development or redevelopment activity must conform to the existing zoning regulations, to the development regulations specified in the subdivision regulations and to the special conditions and regulations set forth in this section. In the event of conflicts between existing zoning regulations, subdivision regulations and other overlay district regulations and this section, the more restrictive section shall apply.
 - (3) Development activities. Permitted development activities are regulated in accordance with §267-41.1G and the following standards for the specific management area categories within which such activities are proposed:
 - (a) Intensely developed areas (IDA).

- [1] Pollutant loadings associated with new development or redevelopment in an IDA shall be reduced by a minimum of 10% from predevelopment levels through the use of on-site stormwater management/best management practices or similar measures located off site within the same watershed and within the critical area. Stormwater management/best management practice sites will only be considered outside of the critical area and outside of the same watershed if the County Department of Planning and Zoning determines that no feasible alternative within the critical area can be provided. The procedures contained in technical reports entitled "Applicant's Guide for 10% Rule Compliance - Urban Stormwater Quality Guidance for the Maryland Chesapeake Bay Critical Area in IDA, and the Technical Guide for 10% Rule Compliance - Urban Stormwater Quality Guidance for the Maryland Chesapeake Bay Critical Area in Intensively Developed Areas (IDA)" (Appendix C of the Harford County Chesapeake Bay Critical Area Management Program, as amended) shall be used to determine the amount of reduction required and what specific measures are needed to meet this requirement.
- [2] Pollutant loadings associated with construction outside of the critical area buffer of accessory structures and minor additions that disturb greater than 250 square feet and result in the permanent construction of an impervious surface area greater than 250 square feet on residential lots of record as of 12/31/85 in the IDA shall be mitigated by the use of stormwater management/best management practices (BMPs) as specified in Appendix C, as amended, and/or through the use of additional landscaping plantings on that lot or parcel. [Amended by Bill 01-35]
 - [a] BMPs are specified in the "The Applicant's Guide for 10% Rule Compliance - Urban Stormwater Quality Guidance for the Maryland Chesapeake Bay Critical Area in Intensively Developed Areas (IDA)" (Appendix C of the Harford County Chesapeake Bay Critical Area Management Program, as amended).
 - [b] Mitigative plantings shall be permeable areas equal to or greater in area than the increase of impervious surfaces, shall be planted with at least one tree per 100 square feet of impervious surface added to the lot, and shall be established and maintained in accordance with a landscaping plan and covenant as approved by the Department of Planning and Zoning. Where possible, such new plantings should be located between the new construction and surface waters. Tree plantings shall be of native species.
 - [c] If mitigative landscaping and/or BMPs are not feasible as determined by the Zoning Administrator, the applicant is required

to pay a fee in lieu of \$1.20 per square foot of additional impervious surfaces. Monies contributed under this section shall be deposited in a separate account, and shall be used according to Subsection G(4)(a) [11][a][ix]e of this section, and shall not revert to the general fund.

- [d] Construction of accessory structures which disturb less than 250 square feet are exempt from mitigative planting requirements.
[Amended by Bill 01-35]
 - [3] Unless determined to be technically infeasible by the Zoning Administrator in consultation with the Director of the Department of Public Works and the Harford County Soil Conservation District, permeable areas shall be established and maintained in vegetation in accordance with a landscaping plan approved by the Department of Planning and Zoning.
 - [4] Development shall be designed and constructed so as to minimize the destruction of existing forest vegetation.
 - [5] Existing areas of public access to the shoreline shall be maintained. If possible, the establishment of new areas of public access to the shoreline shall be included in the plans for development or redevelopment of shoreline areas.
 - [6] Cluster development, as defined in this section, shall be used in developing in the IDA as a means of minimizing the amount of impervious surface area and the destruction of existing natural vegetation unless it is determined by the Zoning Administrator to be infeasible or inappropriate for a specific site. This requirement does not supersede the requirements of § 267-46 pertaining to conventional with open space (COS) and planned residential development (PRD).
- (b) Limited development areas (LDA).
- [1] Pollutant loadings associated with development in the LDA are to be maintained at predevelopment levels through the use of stormwater management/best management practices specified in "The Applicant's Guide for 10% Rule Compliance - Urban Stormwater Quality Guidance for the Maryland Chesapeake Bay Critical Area in IDA, and the Technical Guide for 10% Rule Compliance - Urban Stormwater Quality Guidance for the Maryland Chesapeake Bay Critical Area in IDA." (Appendix C of the Harford County Chesapeake Bay Critical Area Management Program, as amended).

- [2] Man-made impervious surfaces shall not exceed 15% of the portion of the lot or parcel within the critical area proposed to be developed, except for the following:
- [a] If a parcel or lot one-half acre or less in size existed on or before December 1, 1985, then man-made impervious surfaces may not exceed 25% of the portion of the parcel or lot within the critical area.
 - [b] If a parcel or lot greater than one-half acre and less than one acre in size existed on or before December 1, 1985, then man-made impervious surfaces are limited to 15% of the portion of the parcel or lot within the critical area.
 - [c] On lots less than or equal to 1 acre in size located in subdivisions approved after December 1, 1985, man-made impervious surfaces may not exceed 25% of the portion of the lot within the critical area. However, the total of the impervious surfaces over the entire subdivision may not exceed 15% of the portion of the lot within the critical area.
 - [d] Subsection F(3)(b)[2][a]-[c] does not apply to a mobile home park in residential use on or before December 1, 1985.
 - [e] Limitations on impervious surfaces provided in Subsection F(3)(b)[2][a] and [b] of this section may be exceeded if the following conditions exist:
 - [i] New impervious surfaces on the property have been minimized.
 - [ii] For a lot or parcel one-half acre or less in size, total impervious surfaces do not exceed impervious surface limits in Subsection F(3)(b)[2][a] of this section by more than 25% of the impervious surface limitation or 500 square feet, whichever is greater.
 - [iii] For a lot or parcel greater than one-half acre and less than 1 acre in size, total impervious surfaces do not exceed impervious surface limits in subsection f(3)(b)[2][b] of this section or 5,445 square feet, whichever is greater.
 - [iv] Water quality impacts associated with runoff from the new impervious surfaces can be and have been minimized through mitigative plantings or use of best management practices listed in Appendix C of the Harford County

Chesapeake Bay Critical Area Management Program, as amended.

- [v] Mitigative plantings shall be permeable areas equal to or greater in area than the increase of impervious surfaces. These areas shall be planted with at least one tree per 100 square feet, or one shrub per 10 square feet of impervious surface added to the lot or parcel and established and maintained in accordance with a landscaping plan as approved by the Department of Planning and Zoning. Where possible, such new plantings should be located between the new construction and surface waters. Mitigative plantings shall be of native species.
 - [vi] If mitigative plantings and/or BMPS are not feasible as determined by the Zoning Administrator, the applicant is required to pay a fee in lieu of \$1.20 per square foot of additional impervious surfaces. Monies contributed under this section shall be deposited in a separate account, and shall be used according to Subsection G(4)(a)[11][a][ix]e of this section. These monies shall not revert to the general fund.
- [3] No development shall be permitted on slopes greater than 15%.
 - [4] Development on soils with development constraints, i.e., highly erodible soils, hydric soils less than 40,000 square feet in extent, soils with severe septic constraints and soils with hydric inclusions as listed in Table XVI of this section, shall be restricted. The Zoning Administrator may permit development on such soils if adequate mitigation measures are applied to address the identified constraints and to avoid significant adverse impacts on water quality or fish, plant and wildlife habitats.
 - [5] The removal and replacement of existing forest cover for development in an LDA area shall meet the following conditions:
 - [a] Area to be cleared. On a wooded development site, no more than 20% of the forest cover may be cleared provided that the remaining 80% is maintained through recorded restrictive covenants or similar instruments. This cover must be replaced on a 1:1 square-footage basis, rounded to the nearest 100 square feet. An additional 10% of the forest cover may be cleared, provided that replacement of the total forested area disturbed is made on 1:1.5 square-footage basis. Unless no forest will be disturbed by the development, a forest stand delineation is required for any development within the critical area in which forest covers an area

greater than 40,000 square feet. The forest stand delineation shall be prepared according to the standards presented in Chapter 4 of the Harford County Forest Cover Conservation and Replacement Manual.

- [b] Replacement of forest cover. The forest cover removed shall be replaced elsewhere on the same site or on another parcel within the critical area. If the replacement is not practical at the time of removal, the Zoning Administrator may approve the payment of a forest replacement fee of \$0.40 per square foot area of forest cleared and not otherwise mitigated in lieu of the actual planting. Monies contributed under this section shall be deposited in a separate account, and shall be used according to Subsection G(4)(a)[11][a][ix]e of this section, and shall not revert to the general fund.
- [c] Forest conservation plan. The removal and replacement of forest cover for development must be undertaken as specified in an approved forest conservation plan developed in accordance with procedures specified in the Forest Management Guide (Appendix F, of the Harford County Chesapeake Bay Critical Area Management Program as amended). For properties requiring subdivision approval, forest conservation plans shall be submitted along with the preliminary plan. For all other projects, forest conservation plans shall be submitted to the Department of Planning and Zoning for review and approval prior to application for a grading permit.
- [d] Covenant and surety required. To ensure that all afforested or reforested areas required by this section are completed in accordance with approved forest conservation plans and are adequately preserved and maintained after installation, a surety shall be deposited and a covenant recorded with Harford County. Grading permits will not be issued until the covenant and surety have been accepted by the county. The covenant shall be established between the county and the owner of the property which shall establish and protect the afforested or reforested areas from future development activities. The amount of the surety shall be equal to 110% of the value of \$0.40 per square foot of planting required. The surety will be held until the forested area established meets or exceeds standards specified in the Forest Management Guide. If more than 25% of the plantings in the afforested or reforested area die within the first 2 growing seasons after planting, these must be replaced with new stock. If after 2 complete growing seasons from the time of planting, all components of the project meet or exceed the standards as

determined by an inspection by the Department of Planning and Zoning and at least 75% of the planted trees have survived, two-thirds of the surety will be returned. The remainder will be released if, after the third growing season, all standards are met. If however, additional plantings are required to replace more than 25% of the original plantings which did not survive, the surety shall be held an additional 3 years from the time of the last planting.

- [e] Timing of payment. The forest replacement fees shall be paid prior to any clearing of the forest cover on a development site. If not paid previously, the forest replacement fee shall be due and payable at the time of issuance of a grading permit for a site.
 - [f] Trust fund. Forest replacement fees shall be paid to the Harford County Department of the Treasury and maintained in the Harford County Critical Area Forestry Trust Fund account, which shall be administered by the Harford County Department of Planning and Zoning. Expenditure of such funds shall be solely for the purpose of afforestation and reforestation of areas in the critical area, whether on public or private lands.
- [6] If a development site is unforested, a minimum of 15% of the site shall be afforested. If the afforestation comprises an area of 1 acre or greater, a forest conservation plan, financial surety, and covenant as specified in Subsection F(3)(b)[5][c] and [d] of this section shall be required. For afforestation of areas less than 1 acre in size, plantings shall be installed according to the guidelines contained in the Forest Management Guide (Appendix F).
 - [7] All development plans shall incorporate a wildlife corridor system that connects the largest, most undeveloped or most vegetated tracts of land within and adjacent to the site, thereby providing a continuity of existing on-site and off-site plant and wildlife habitats.
 - [8] Cluster development shall be used for developing in the LDA as a means of minimizing the amount of impervious surface area and the destruction of existing natural vegetation, unless it is determined by the Zoning Administrator to be infeasible or inappropriate for a specific site. This requirement does not supersede the requirements of § 267-46 pertaining to conventional development with open space (COS) and planned residential development (PRD).
- (c) Resource conservation areas (RCA).
- [1] Agriculture, forestry and areas of natural habitat shall be considered preferred land uses within this area.

- [2] New industrial, institutional and commercial development shall be prohibited. [Amended by Bill 01-35]
- [3] New residential development shall be permitted at a maximum density of 1 dwelling unit per 20 acres. One residential structure shall be permitted on any existing undeveloped parcel regardless of the density requirement, provided that all other provisions of this section are met.
- [4] The requirements and standards for development activities in the RCA designation shall be the same as for developments in the LDA designation.
- [5] Certain uses may be permitted in the RCA if it is determined by Harford County, with the concurrence of the Critical Area Commission, that the impacts of the proposed use on plant and wildlife habitat and water quality would be minimized and that the proposed use would be consistent with the intent of the RCA classification and the County's Critical Area Program. [Added by Bill 01-35]

(d) Forest clearing violation.

- [1] Clearing of forested areas anywhere within the critical area, other than as set forth in this section and in the buffer as specified in Section 267-41.1G(4)(a)[4] prior to issuance of a grading permit, or of areas exceeding the maximum amount allowed by this section constitutes a violation of this section in addition to any other applicable county regulations. Afforestation/reforestation of an area 3 times the extent of the area cleared in violation will be required as mitigation for such clearing. All standards and requirements of Section 267-41.1F(3)(b)[5][c] and [d] must be met, including the preparation of forest conservation plans and the posting of the required surety and covenant. [Amended by Bill 01-35]

(4) Agriculture. Agricultural activities as otherwise permitted by the Zoning Code shall meet the following additional requirements:

- (a) By May 13, 1991, each agricultural operation in the critical area shall have and be implementing an approved soil and water conservation plan to protect the productivity of the land base, preserve or enhance water quality and conserve fish, wildlife and plant habitat, by incorporating best management practices which protect areas identified as habitat protection areas and adequately address the control of nutrients, animal wastes, pesticides and sediment runoff.
- (b) Prior to the development of soil and water conservation plans as required in Subsection F(4)(a), a 25-foot vegetated filter strip comprised of trees with a

dense ground cover or a thick sod grass shall be maintained adjacent to tidal waters, tidal wetlands or tributary streams. The width of this strip shall be increased by a distance of 4 feet for every 1% increase in slope over 6%. Measures approved by the Harford County Soil Conservation District may be used within this filter strip and elsewhere in the critical area to control noxious weeds such as Johnson grass, Canada thistle and multiflora rose.

- (c) The feeding or watering of livestock is not permitted within 50 feet of tidal waters, tidal wetlands or tributary streams.
 - (d) Agricultural activities, including the grazing of livestock, shall not disturb the stability of tidal shorelines.
 - (e) Agricultural activities shall not be expanded in the critical area by:
 - [1] The destruction of nontidal wetlands by diking, dredging or filling operations.
 - [2] Clearing of forest or woodland on soils with a slope greater than 15% or on highly erodible soils.
 - [3] Clearing of lands identified as habitat protection areas, including the clearing of natural vegetation within the buffer.
 - (f) Timber harvesting operations on agricultural lands shall be done in accordance with the requirement of this section.
- (5) Forestry operations. Forests are to be considered a protective land use in the critical area and, thus, should be managed to protect their value for plant and wildlife habitat and water quality protection.
- (a) Timber harvesting affecting 1 acre or more of forested area in the critical area, including timber harvesting on agricultural land and that described above in Subsection F(3)(b)[5] of this section, shall be undertaken in accordance with a forest management, or forest conservation plan prepared by a forester registered in the State of Maryland and approved by the Department of Natural Resources based upon recommendations of the Harford County Forestry Board and the Department of Planning and Zoning.
 - [1] Plans in accordance with the provisions in Appendix F of the Harford County Chesapeake Bay Critical Area Management Program, as amended which do not involve cutting in the buffer or identified habitat protection areas may be conditionally approved by the project forester. Copies of such conditionally approved plans shall be sent to the Forestry Board and the Department of Planning and Zoning. If no adverse

comments are received within 2 weeks after submittal of the plans to the Board and the Department, such plans are formally approved.

- [2] For plans involving disturbance to a habitat protection area, a pre-harvest meeting must be held with the landowner and/or his designee, the Department of Planning and Zoning and the Department of Natural Resources before approval of the timber harvest may be granted. Forest management plans must be approved by the Harford County Department of Planning and Zoning, the Harford County Forestry Board and the Department of Natural Resources before an applicant may proceed with a timber harvest involving disturbance to a habitat protection area.
 - [3] Separate copies of forest management plans shall be submitted to the Department of Natural Resources, the Department of Planning and Zoning and the Forestry Board for their review and approval. Plans approved by the Department of Planning and Zoning and the Forestry Board shall be submitted by these agencies to the Department of Natural Resources. If any of the 3 reviewing agencies find the forest management plan to be inadequate, that agency must contact the applicant in writing as to what additional information is required. The Department of Natural Resources shall notify the applicant that the timber harvest has been approved, and the applicant may proceed with the harvest.
 - [4] Forest management plans shall include measures to protect surface and ground water quality, identified habitat protection areas and the continuity of plant and wildlife habitat and shall include a copy of the timber harvest plan which is the plan describing a proposed timber harvest that is required to be submitted to the Department of Natural Resources for a harvest of timber within the State of Maryland. Forest management plans shall show all buffers and other habitat protection areas. Forest management plans shall also show all proposed: stream crossings, culverts, landing areas, log decks, stockpile areas, skidder trails and haul roads to the nearest public road, and the limits of disturbance.
- (b) Sediment control plans shall be developed for all timber harvesting in the critical area involving 5,000 square feet or more, including those undertaken on agricultural land. Such plans shall be approved by the Harford County Soil Conservation District based upon recommendations of the Department of Natural Resources and the Department of Planning and Zoning. Plans shall be submitted according to the procedures contained in the Forest Management Guide. The timber harvesting operation covered by such plans shall be implemented in accordance with the specifications contained in the document, Standard Erosion and Sediment Control Plan for Forest Harvest Operations,

and any additional specifications established by the Department of Natural Resources.

- (c) Timber harvesting within the critical area buffer shall be subject to the requirements set forth in Subsection G(4)(a)[4] of this section. Timber harvesting within the critical area buffer requires that a buffer management plan be included in the forest management plan.
- (6) Water-dependent facilities. Those structures associated with industrial, maritime, recreational, educational or fisheries activities requiring a location at or near the shoreline shall be considered water-dependent facilities and, thus, may be allowed within the critical area buffer, subject to the additional conditions of this subsection. An activity is water-dependent if it cannot exist outside the buffer and is dependent on the water by the intrinsic nature of its operation.
 - (a) Except as otherwise provided in this regulation, new or expanded water-dependent activities may not be permitted in those portions of the buffer which occur in the RCA. Except as otherwise provided below, development activities or uses may be permitted in the critical area buffer in IDA and LDA provided that it can be shown: [Amended by Bill 01-35]
 - [1] That they are water-dependent;
 - [2] That the project meets a recognized private right or public need;
 - [3] That adverse effects on water quality and fish, plant and wildlife habitat are minimized; and
 - [4] That, insofar as possible, nonwater-dependent structures or operations associated with water-dependent projects or activities are located outside of the buffer.
 - (b) Expansion of an existing water dependent facility includes: expansion of services, extension or construction of additional slips or piers, construction of new buildings, expansion of existing impervious surfaces or installation of new or additional boat storage facilities. Expansion does not include maintenance or repair or replacement of existing bulkheads, piers, or buildings, or maintenance dredging. All new or expanded water-dependent facilities shall be located and operated in accordance with the following conditions:
 - [1] The activities shall not significantly alter existing water circulation patterns or salinity regimes.
 - [2] The water body upon which the facility is proposed must have adequate flushing characteristics in the area for natural dispersal of and removal of pollution.

- [3] Disturbance to wetlands, submerged aquatic vegetation or other areas identified as important aquatic habitats shall be minimized.
 - [4] Adverse impacts to water quality occurring as a result of the facility and associated activities, such as nonpoint source runoff, sewage discharge from land activities or vessels or pollutant runoff from boat cleaning and maintenance operations, shall be minimized.
 - [5] Shellfish beds shall not be disturbed or made subject to discharge which would render them unsuitable for harvesting.
 - [6] Dredging associated with the facility and associated activities shall utilize the method which causes the least disturbance to water quality and aquatic and terrestrial habitats in the immediate vicinity of the dredging operation or within the critical area.
 - [7] Dredged material shall not be placed within the critical area buffer or elsewhere in designated habitat protection areas except in previously approved channel maintenance disposal areas or as used for shore erosion protection measures.
 - [8] Interference with the natural transport of sand shall be minimized.
 - [9] Location of such facilities in or adjacent to waterfowl staging and concentration areas shall be avoided to the maximum extent possible. The use of new or existing water-dependent facilities in waterfowl staging and concentration areas shall be minimized during the period of November through March to avoid disturbance to waterfowl wintering there or using the areas as migratory staging areas.
 - [10] A building permit for any construction in or over tidal waters is not valid without a concurrent state wetlands license or permit, and Sections 404/10 permits (as appropriate) from the Army Corps of Engineers.
 - [11] Construction of a non-water dependent structure on new or existing pilings or pier over state or private wetlands in the critical area shall not be permitted. New boathouses located over state or private wetlands in the critical area shall not be permitted. "Boathouse" means a structure with a roof or cover, or similar device placed over open water to protect a boat or other vessel.
- (c) All applications for new or expanded water-dependent facilities shall be required to submit such pertinent information and materials as are listed in the technical document, Program Requirements for Water-Dependent Facilities (Appendix I of the Harford County Chesapeake Bay Critical Area

Management Program, as amended) and as determined necessary by the Zoning Administrator. Based on the project size and scope, environmental sensitivity of the project site and potential adverse impacts to water quality, aquatic habitats or terrestrial habitats, the Zoning Administrator may require a comprehensive water-dependent facility plan as detailed in Appendix I of the Harford County Chesapeake Bay Critical Area Management Program, as amended. This plan must be approved by the Zoning Administrator. It is recommended that an applicant consult with the Department of Planning and Zoning before developing and submitting this information.

- (d) Conditions relating to specific types of water-dependent uses. The development of the following water-dependent uses shall be subject to the following conditions:

[1] Commercial marinas, community marinas and piers, private piers, industrial water-dependent facilities, and other associated maritime uses, including boating, docking and storage facilities.

[a] New, commercial marinas and related maritime facilities shall not be permitted in resource conservation areas. Expansion of existing commercial marinas located in the RCA is allowed only if it is determined by the Zoning Administrator that the expansion will result in an overall improvement in water quality at the marina site or a reduction in the pollutant loading from the marina.

[b] New or expanded commercial marinas and related maritime facilities in areas designated as limited or intensely developed areas must meet the following conditions:

(i) The best management practices cited in the technical report, Program Requirements for Water-Dependent Facilities in the Critical Area (Appendix I of the Harford County Chesapeake Bay Critical Area Management Program as amended), shall be applied to the location and operation of new or expanded marinas and related maritime facilities, where applicable.

(ii) State sanitary requirements for such facilities are complied with.

[c] New or expanded community marinas and other noncommercial boating, docking and storage facilities may be located in the critical area buffer in the RCA, LDA and IDA if they meet the following conditions:

- (i) The facilities do not offer food, fuel or other goods and services for sale and adequate sanitary facilities shall be provided.
- (ii) The facilities are community-owned and established and operated for the benefit of the residents of a platted and recorded subdivision.
- (iii) The facilities are associated with a residential development approved by the county for the critical area and are consistent with all the standards and regulations for the critical area as set forth in this section.
- (iv) Any disturbance of the critical area buffer is the minimum necessary to provide a single point of access to the proposed facilities.
- (v) If community piers or slips are provided as part of a development built or constructed after June 24, 1988, private piers in the development shall not be permitted.
- (vi) The number of slips or piers permitted at the facility shall be the lesser of a and b below:
 - a. One slip for each 50 feet of shoreline in a subdivision in the intensely and limited development areas and 1 slip for each 300 feet of shoreline in a subdivision in the resource conservation area; or
 - b. A density of slips or piers to platted lots or dwellings within the subdivision in the critical area according to the following schedule:

Platted Lots or Dwellings
in the Critical Area

Slips and Dwellings

Up to 15	1 for each lot
16 to 40	15 or 75%, whichever is greater
41 to 100	30 or 50%, whichever is greater
101 to 300	50 or 25%, whichever is greater
Over 300	75 or 15%, whichever is greater

- [d] No structure connected to the shoreline, such as a dock, pier or boathouse, shall extend outward from the mean high water line more than 25% of the distance to the mean high water line on the opposite shore or more than 250 feet, whichever is less, nor shall it extend into an existing navigational channel.

- [e] New or expanded private water dependent facilities for residential lots must meet the following conditions:
 - (i) New or expanded private water dependent facilities will accommodate no more than 4 boats.
 - (ii) Non-water dependent facilities shall not be constructed on piers.
 - [f] New, expanded or redeveloped industrial or port-related facilities and the replacement of these facilities may be permitted only in those portions of IDA exempted from the critical area buffer and are subject to the provisions of Subsection F(6)(a).
- [2] Public beaches or other public water-oriented recreation or education areas. Public beaches or other public water-oriented recreation or education areas, including but not limited to publicly owned boat launching and docking facilities and fishing piers, are allowed in the critical area buffer in the RCA, LDA and IDA, provided that the following conditions are met [Amended by Bill 01-35]:
- [a] Adequate sanitary facilities shall be provided.
 - [b] Service facilities shall be located outside the buffer.
 - [c] Permeable surfaces shall be used as the primary surfacing material if no degradation of groundwater would result.
 - [d] Disturbance to natural vegetation shall be minimized.
 - [e] Habitat protection areas shall be protected as consistent with provisions in Subsection G below.
 - [f] Areas for passive recreation such as nature study, hunting and fishing, and for education may be permitted in the buffer, if nonwater-dependent structures or facilities associated with these projects are located outside of the buffer.
- [3] Water-dependent scientific research and fishery-related facilities. Water-dependent scientific research facilities operated by governmental agencies or educational institutions and commercial water-dependent fisheries facilities, such as structures for crab-shedding, fish off-loading, docks and shore-based facilities necessary for fisheries activities, can be located in the critical area buffer, provided that associated non-water-dependent structures or facilities are located outside the buffer. Commercial water-dependent fisheries activities and shore based

facilities necessary for aquaculture operations may be located in the buffer in RCA, LDA and IDA. [Amended by Bill 01-35]

(7) Surface mining.

- (a) The establishment of new surface mining operations within the critical area shall be prohibited.
- (b) Existing operations, including roads, accessory improvements, equipment and storage areas, may be continued within the critical area, provided that all such operations shall be conducted in a manner which:
 - [1] Does not adversely impact water quality, identified habitat protection areas or contiguous properties.
 - [2] Permits the rapid reclamation of the site, including any wash pond, when the operation has terminated.
 - [3] Retains the critical area buffer of natural vegetation between the operation and tidal waters, tidal wetlands and tributary streams.
- (c) The expansion of existing sand and gravel operations in the critical area shall be reviewed and may be permitted as a special exception. Prior to accepting any application for Board of Appeals review, the Zoning Administrator shall review the application and shall forward the application to the Board only upon making findings that such expansion shall have met the following conditions.
 - [1] The operation shall not have an adverse impact on identified habitat protection areas.
 - [2] The operation shall not be located on lands which are within 100 feet of the mean high water line of tidal waters, tidal wetlands or the edge of streams.
 - [3] The operation shall not be located on land with highly erodible soils.
 - [4] The operation shall not be permitted if the mining activity would prevent the use of the site for agricultural or forestry purposes for more than 25 years.
 - [5] Wash plants, including ponds, spoil piles, related equipment, roads, parking areas and other impervious surfaces, shall not be located within the critical area buffer.
 - [6] An adequate reclamation plan has been developed.

- (8) Shore erosion control measures. All development activities conducted on lands immediately adjacent to tidal waters or where existing developments are experiencing shoreline erosion problems shall be required to meet the following standards regarding the control of shoreline erosion:
- (a) Nonstructural measures (i.e., vegetative stabilization, regrading, etc.) for controlling shore erosion shall be used wherever possible in order to conserve and protect plant, fish and wildlife habitat.
 - (b) Where structural measures must be used, stone revetments or rip rap shall be used whenever possible to conserve fish and plant habitat. Bulkheads and other structural measures shall be used only where the use of revetments is infeasible or where their use is needed as part of a water-dependent facility.
 - (c) Erosion control plan. Where structural measures must be used, these must be established as specified in an erosion control plan approved by the Department of Planning and Zoning. The approved plan must be kept on the project site and be available for inspection upon request of the Zoning Inspector during the construction of the erosion control measures. An approved plan is not valid without all state and federal permits and licenses required to conduct such erosion control measures. The erosion control plan contains a site sketch of the existing shoreline and a site sketch of the proposed control measures. The erosion control plan also contains a brief description of the proposed methods and materials. The information required by the Army Corps of Engineers and Maryland Department of the Environment/Nontidal Wetlands Division for a 404 joint permit application is sufficient for submission as an erosion control plan.
- (9) Natural parks. The development and use of areas designated as natural parks shall recognize the limited ability of the natural systems to handle human impacts. The following standards shall apply to the development and use of such areas:
- (a) The ability of a specific site to accommodate human disturbance on a daily or seasonal basis shall be considered in the design of visitor use facilities for natural parks areas.
 - (b) The critical area buffer shall be maintained in the development of any natural parks site. Trees or other suitable vegetation shall be planted within areas of the buffer which are presently unvegetated.
 - (c) All areas listed as identified habitat protection areas in § 267-4G shall be protected on a natural park site.
 - (d) Forest cover on the site shall be maintained to the maximum extent feasible.

- (e) All publicly owned lands leased for agricultural activities shall have current soil and water conservation plans.

G. Habitat protection areas.

- (1) The purpose of this subsection is to ensure protection for the following types of areas with significant resource value, called "habitat protection areas," no matter where they are located within the critical area.
- (2) The following areas of significant natural value are classified "habitat protection areas" and are so designated on each Zoning Map Overlay or herein defined:
 - (a) Critical area buffer. An area a minimum 100 feet in width as measured from the mean high water line of tidal waters, tidal wetlands and tributary streams shall be established and maintained in a natural condition. The critical area buffer is expanded beyond 100 feet to include the following contiguous sensitive areas:
 - [1] Hydric soils, highly erodible soils, wetlands or other aquatic habitats, and steep slopes.
 - [2] Steep slopes are defined as slopes which equal or exceed 15% slope. Steep slopes shall be measured by transects spaced a minimum of 35 feet apart along the base of the slope. Transects measuring steep slopes shall be run perpendicular to the slope beginning at the base of the slope and shall measure slopes with a minimum of 35' run increments up the slope to the top of the slope or the boundary of the critical area, whichever is less. In the case of steep slopes within or contiguous to the critical area buffer, the buffer is additionally expanded beyond the expansions for the above-listed sensitive areas 4 feet for every 1% of slope as averaged over the contiguous steeply sloped area or to the top of the contiguous steeply sloped area, whichever is greater.
 - (b) Nontidal wetlands. Those areas which meet the definition of nontidal wetlands as set forth in § 267-4 (Harford County Code 1986, as amended), both mapped and located by field survey. A minimum area of 40,000 square feet is hereby established for designation as a nontidal wetlands, is otherwise identified as a habitat protection area in this section or is shown to be hydrologically connected through surface or subsurface flow to streams and tidal waters.
 - (c) Habitats of state-designated threatened or endangered species or species in need of conservation, natural heritage areas and habitats of local significance.
 - (d) Colonial waterbird nesting sites.

- (e) Riparian forests and other forested areas utilized as breeding habitat by forest-interior-dwelling species.
 - (f) Anadromous fish propagation waters.
 - (g) Historic waterfowl staging and concentration areas in tidal waters, tributary streams, or tidal and nontidal wetlands
- (3) General provisions.
- (a) Development activities or other land disturbances, including commercial tree harvesting and agricultural activities, are prohibited within the boundaries of an identified habitat protection area unless the Zoning Administrator certifies that the location of the activities and/or the limitations and restrictions placed on them will avoid adverse impacts on the water quality protection and plant and wildlife habitat values of the area or to the species dependent upon such areas.
 - (b) The location of roads, bridges or utilities shall be prohibited within the boundaries of a habitat protection area unless there is no feasible alternative, as determined by the Zoning Administrator in consultation with the Director of the Department of Public Works, in which case they shall be located, designed, constructed and maintained to provide maximum erosion protection, to minimize adverse effects on wildlife, aquatic life and their habitats and to maintain hydrologic processes and water quality. [Amended by Bill 01-35]
 - (c) All development activities that must cross or otherwise affect streams shall be designed to:
 - [1] Retain tree canopy so as to maintain stream water temperatures within normal variation;
 - [2] Provide a natural substrate for streambeds; and
 - [3] Minimize adverse water quality and quantity impacts of stormwater.
- (4) Specific provisions. Activities affecting particular habitat protection areas shall comply with the following requirements:
- (a) Critical area buffer.
 - [1] The buffer shall be maintained in natural vegetation and may include planted native vegetation where necessary to protect, stabilize or enhance the shoreline. In the case of development where the buffer is not entirely established in woody vegetation, the buffer shall be planted and

maintained according to the standards set forth in the Forest Management Guide for buffer plantings.

- [2] New development activities, including redevelopment activities and including structures, under-ground petroleum product storage tanks, roads, parking areas and other impervious surfaces, mining and related facilities or septic systems (and other disposal systems), may not be permitted in the buffer, except for those necessarily associated with water-dependent facilities as approved in accordance with Subsection F(6) of this section. Replacement of existing under-ground petroleum product storage tanks shall be with above-ground tanks.
- [3] Where agricultural use of lands within the area of the critical area buffer ceases and the lands are proposed to be converted to other uses, the critical area buffer shall be established. Establishment of the buffer shall include the establishment of appropriate forest vegetation as specified in the Forest Management Guide. Appropriate surety and covenant shall also be required as specified in Subsection F(3)(b)[5][d] of this section.
- [4] For any commercial timber harvesting of trees by selection or for any cutting or clearing of land within the critical area buffer, a buffer management plan shall be prepared by a registered forester and approved by the Department of Natural Resources based upon recommendations of the Harford County Forestry Board and the Harford County Department of Planning and Zoning. Cutting or clearing operations specified in such plans shall be conducted in accordance with the following requirements:
 - [a] Selective cutting may be permitted to within 50 feet of the mean high water line of tidal waters, perennial tributary streams and tidal wetlands.
 - [b] Nontidal wetlands and other identified habitat protection areas shall not be disturbed.
 - [c] Disturbance to stream banks and shorelines shall be avoided.
 - [d] The area disturbed or cut shall be replanted or allowed to regenerate in a manner that assures the availability of cover and breeding sites for wildlife and reestablishes the wildlife corridor function of the buffer.
 - [e] The cutting shall not create logging roads and skid trails within the buffer.
- [5] Except as specified below, any clearing of vegetation or removal of trees within the buffer is prohibited unless a buffer management plan is

submitted and approved by the Department of Planning and Zoning prior to any clearing or removal.

- [6] The cutting of trees or removal of natural vegetation may be permitted in the critical area buffer where necessary to provide access to private piers or to install or construct a shore erosion protection device or measure or a water-dependent facility, provided that the device, measure or facility has received all necessary state and federal permits and provided that a buffer management plan has been approved by the Department of Planning and Zoning.
- [7] Individual trees may be cut for personal use, provided that this cutting does not impair the water quality or existing habitat value or other functions of the buffer, and provided that the trees are replaced on an equal basis for each tree cut, as approved by the Department of Planning and Zoning. Planting specifications for replaced trees are given in Appendix F of the Harford County Chesapeake Bay Critical Area Management Program, as amended.
- [8] Individual trees may be removed which are in danger of falling and causing damage to dwellings or other structures or which are in danger of falling and therefore causing the blockage of streams or resulting in accelerated shore erosion. Individual trees removed must be replaced on an equal basis for each tree cut, as approved by the Department of Planning and Zoning.
- [9] Under the guidance of the Department of Natural Resources, horticultural practices may be used in the buffer to maintain the health of individual trees. However, the clearing of understory may only be undertaken with a buffer management plan approved by the Department of Planning and Zoning.
- [10] Other cutting techniques may be undertaken within the buffer under the advice and guidance of the Departments of Agriculture and Natural Resources, if necessary to preserve the forest from extensive pest or disease infestation or threat from fire.
- [11] Buffer exempt areas. The following provisions apply to shoreline areas that have been identified as buffer exempt areas in the Harford County Critical Area Program as shown on the buffer exempt area maps attached hereto and incorporated hereby by reference. Buffer exempt areas are those lots of record as of December 1, 1985 where the pattern of residential, industrial, commercial or recreational development prevents the buffer from fulfilling its intended purposes as stated in COMAR 27.01.09.01.B. For purposes of this buffer exempt area section, development refers to sites with less than 15% existing impervious

surface and redevelopment pertains to sites with greater than 15% existing impervious surface.

- [a] For single-family, detached residential areas designated as buffer exempt areas, construction or placement of new or accessory structures, minor additions and associated new impervious surfaces on developed lots or parcels is permitted provided that:
- (i) The applicant can demonstrate that there is no feasible alternative for the location of the new development or redevelopment activities, including structures, roads, parking areas and other impervious surfaces or septic systems.
 - (ii) New development or redevelopment shall minimize the shoreward extent of intrusion into the buffer. New development and redevelopment shall not be located closer to the water (or the edge of tidal wetlands) than principal structures on adjacent properties or the local setback for the zoning district, whichever is greater. In no case shall new development or redevelopment be located less than 25 feet from the water (or the edge of tidal wetlands).
 - (iii) Existing principal or accessory structures in the buffer may be replaced in the same location. Any increase in impervious area within the buffer shall comply fully with the requirements of this section.
 - (iv) New accessory structures may be permitted in the buffer in accordance with the following setback requirements:
 - (a) New accessory structures may be located closer to the water or edge of tidal wetlands than the dwelling only if there are no other locations for the accessory structures;
 - (b) The area of the accessory structures within the buffer shall be minimized and the cumulative total area of all new and existing accessory structures within the buffer shall not exceed 500 square feet within 50 feet of the water and 1,000 square feet total; and
 - (c) In no case shall new accessory structures be located less than 25 feet from the water or edge of tidal wetlands.

- (v) Variances to other setback requirements have been considered before additional development within 100 feet of mean high tide is approved.
- (vi) No natural vegetation may be removed in the buffer except that required by the proposed construction. The applicant will be required to maintain any other existing natural vegetation in the buffer. Any clearing of trees or other removal of vegetation shall be completed consistent with Section 267-41.1G(4) above.
- (vii) Development does not impact any other habitat protection areas other than the buffer, including nontidal wetlands, other state and federal permits notwithstanding.
- (viii) Buffer exempt area designations shall not be used to facilitate the filling of tidal wetlands that are contiguous to the buffer to create additional buildable land for new development or redevelopment.
- (ix) Any development in the buffer exempt area requires mitigation in the form of plantings, offsets or fees in lieu.
 - (a) Natural vegetation of an area twice the extent of the footprint of the development activity within the 100-foot buffer shall be planted on-site in the buffer or other location as may be determined by the Zoning Administrator. If it is not possible to carry out offsets or other mitigation within the critical area, any planting or other habitat/water quality improvements should occur within the affected watershed.
 - (b) Applicants who cannot comply with the planting requirements may use offsets to meet the mitigation requirement. Offsets may include the removal of an equivalent area of existing impervious surfaces in the buffer, the construction of best management practices for stormwater, wetland creation or restoration or other measures approved by the Zoning Administrator that improve water quality or habitat.
 - (c) Applicants who cannot comply with either the planting or offset requirements above on-site or off-site within the critical area shall pay a fee in lieu of \$1.20 per square foot for the area to be planted.

- (d) Any required reforestation, mitigation or offset areas must be designated under a development agreement or other instrument and recorded among the Land Records.
 - (e) The County may establish regional areas for plantings and/or stormwater management facilities to fulfill the water quality and wildlife habitat functions of the critical area buffer for those areas which have been exempted from the buffer exempt area provisions using the fee in lieu paid. Monies contributed under this section shall be deposited in a separate account and shall be used for site identification, acquisition, design, preparation and planting of vegetation at selected regional water quality and wildlife improvement areas, and shall not revert to the general fund.
- [b] For commercial, industrial, institutional, recreational and multi-family residential areas designated as buffer exempt areas, construction or placement of new structures and associated new impervious surfaces on developed parcels is permitted provided that:
- (i) The applicant can demonstrate that there is no feasible alternative for the location of the new developed or redeveloped activity, including structures, roads, parking areas and other impervious surfaces or septic systems.
 - (ii) The applicant can demonstrate that efforts have been made to minimize buffer impacts by locating activities as far as possible from mean high tide, the landward edge of tidal wetlands or the edge of tributary streams, and variances to other local setback requirements have been considered before additional intrusion into the buffer. Convenience or expense shall not be factors considered when evaluating the extent of allowable impacts to the buffer.
 - (iii) New development, including accessory structures, shall minimize the extent of intrusion into the buffer. New development shall not be located closer to the water (or edge of tidal wetlands) than the zoning district setback or 50 feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line. The 50-foot setback shall be maintained for all subsequent development or redevelopment of the property.

- (iv) Redevelopment, including accessory structures, shall minimize the extent of intrusion into the buffer. Redevelopment shall not be located closer to the water (or edge of tidal wetlands) than the zoning district setback or 25 feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line. Existing structures located within the setback may remain or a new structure may be constructed on the footprint of an existing structure or impervious surface. Opportunities to establish a 25-foot setback should be maximized.
- (v) Development and redevelopment may not impact any habitat protection areas other than the buffer, including nontidal wetlands, other state or federal permits notwithstanding.
- (vi) No natural vegetation may be removed in the buffer except that required by the proposed construction. The applicant will be required to maintain any other existing natural vegetation in the buffer.
- (vii) Buffer exempt area designation shall not be used to facilitate the filling of tidal wetlands that are contiguous to the buffer or to create additional buildable land for new development or redevelopment.
- (viii) Any development or redevelopment in the buffer exempt area requires mitigation in the form of plantings, offsets or fees in lieu.
 - (a) A forested or landscaped bufferyard, 25 feet wide, shall be established on the project site between the development and the water. This bufferyard shall be densely planted with trees and shrubs.
 - (b) On redevelopment sites, if existing structures or those rebuilt on an existing footprint limit the area available for planting, then appropriate modifications to the width of the planted bufferyard may be made on a case-by-case basis as approved by the Zoning Administrator.
 - (c) In addition to the 25-foot bufferyard, natural forest vegetation of an area twice the extent of the footprint of the development activity shall be planted within the 100-foot buffer on-site, or at another location, preferably on-site.

- (d) Applicants who cannot comply with the planting requirements in Subsection C above may use offsets to meet mitigation requirements, such as removal of an equivalent area of existing impervious surfaces in the buffer, the construction of best management practices for stormwater, wetland creation or restoration or other measure approved by the Zoning Administrator that improve water quality or habitat. If it is not possible to carry out offsets or other mitigation within the critical area, any planting or other habitat/water quality improvements should occur within the affected watershed.
- (e) Applicants who cannot comply with either the planting or offset requirements shall pay a fee in lieu of \$1.20 per square foot for the area to be planted.
- (f) Any required reforestation/mitigation offset areas must be designated under a development agreement or other instrument and recorded among the Land Records.
- (g) The County may establish regional areas for plantings and/or stormwater management facilities to fulfill the water quality and wildlife habitat functions of the critical area buffer for those areas which have been exempted from the buffer exempt area planting provisions and use the fee in lieu alternative. Monies contributed under this section shall be deposited in a separate account and shall be used for site identification, acquisition, design, preparation and planting of vegetation at selected regional water quality and wildlife improvement areas, and shall not revert to the general fund.

(b) Nontidal wetlands.

- [1] A 75-foot buffer shall be established adjacent to nontidal wetlands.
- [2] Development activities shall not be permitted in nontidal wetlands or the 75-foot nontidal wetland buffer, except for permitted development associated with water-dependent facilities as listed in Subsection F(6) of this section.
- [3] Existing farm ponds and other existing man-made bodies of water for the purpose of impounding water for agriculture, water supply, recreation or

waterfowl habitat are specifically excluded from coverage by the provisions of this district.

- [4] Development activities in the drainage areas to nontidal wetlands shall not adversely affect the quality or quantity of surface or subsurface flow to the nontidal wetland so as to adversely affect its water quality and protection of fish, plant or wildlife habitat value.
 - [5] The location of stormwater management measures is allowed in nontidal wetlands and the 75-foot nontidal wetland buffer only if the Zoning Administrator determines that there is no other technically feasible location and that the water quality benefits of the measures outweigh the adverse impacts on water quality and plant and wildlife habitat values of the nontidal wetlands affected. In determining the adverse impacts of the location of such facilities, consideration can be given to the compensatory value of mitigation measures proposed to replace the lost water quality and habitat value of the affected nontidal wetlands.
- (c) Habitats of state-designated threatened or endangered species or species in need of conservation, designated natural heritage areas and habitats of local significance.
- [1] Development activity and other land disturbances shall be prohibited in state-designated natural heritage areas, state-designated habitats of threatened and endangered species and species in need of conservation or identified habitats of local significance. Subject to the review of a site-specific study prepared in consultation with the Department of Natural Resources, the Zoning Administrator may approve development activities or disturbances if it can be shown that the proposed activities will not have or cause adverse impacts on the identified habitats.
 - [2] Forest management plans and soil and water conservation plans developed for forestry or agricultural operations within such protection areas shall include measures to protect the integrity of these habitats.
- (d) Colonial waterbird nesting sites.
- [1] A minimum one-fourth-mile protection area buffer shall be established around any identified colonial waterbird nesting sites unless, subject to the review of a site-specific study prepared in conjunction with the Department of Natural Resources, it can be shown that development activity or disturbances will not have or cause adverse impacts on the identified habitats. Any development activities or other disturbances which are allowed should not occur during the nest-building and incubation periods, approximately February through April.
 - [2] Noise from construction or development activities should be minimized during the breeding season of February through April in areas adjacent to the one-

fourth mile protection area buffer in order to avoid adverse impacts on nesting colonial waterbirds. The applicant is required to contact the Department of Natural Resources for information on the specific breeding seasons.

- (e) Riparian forests and other forested areas utilized as breeding habitat by forest interior dwelling species. The following management practices shall be followed in the case of development, forest operations or other activities in areas identified as breeding habitat for forest-interior-dwelling species in accordance with the procedures specified in the technical report, A Guide to the Conservation of Forest Interior Dwelling Birds in the Critical Area. (Appendix N of the Harford County Chesapeake Bay Critical Area Management Program):

- [1] Minimize disturbance during the May-August breeding season.
- [2] Locate development or other activities that would cause disturbance to the forested areas such as roads, utility line corridors, structures and intensive timber harvesting on the periphery of the site.
- [3] To the maximum extent feasible, retain the forest canopy and trees and shrubs underneath the canopy. A timber harvest within forest interior dwelling species habitat shall not open the canopy by more than 30%.
- [4] Timber harvesting shall be undertaken utilizing techniques which help to maintain or improve habitat for forest interior dwelling species. The Department of Natural Resources shall be consulted for advice on the use of proper techniques prior to any timber harvesting operations.

- (f) Anadromous fish propagation waters. The following management measures shall apply to any streams identified as anadromous fish propagation waters:

- [1] The installation or introduction of concrete rip rap or other artificial surfaces onto the bottom of natural streams shall be prohibited unless it can be demonstrated that water quality and fisheries habitat can be improved.
- [2] Channelization or other physical alterations which may change the course or circulation of a stream shall be prohibited.
- [3] Construction or placement of dams or other structures that would interfere with or prevent the movement of spawning fish or larval forms in streams shall be prohibited.
- [4] The construction, repair or maintenance activities associated with bridges or other stream crossings or with utilities and roads, which involve disturbance within the critical area buffer or which occur in streams, shall be prohibited between March 1 and June 15.

[5] All proposed in-stream construction projects shall maintain the natural stream channel bottom and predevelopment conditions.

H. Variances. Variances from the provisions of this section may only be granted if, due to special features of a site or other circumstances, implementation of this section or a literal enforcement of its provisions would result in unwarranted hardship to an applicant. All applications for variances shall be reviewed by the Zoning Administrator for conformance with applicable provisions of this section, and a written report shall be provided to the Board of Appeals. In granting a variance, the Board shall issue written findings demonstrating that the requested approval complies with each of the following conditions:

- (1) That special conditions or circumstances exist that are peculiar to the land or structure within the County's Critical Area, and a literal enforcement of the Critical Area Program would result in an unwarranted hardship. [Added by Bill 01-35]
- (2) That a literal interpretation of the provisions of this section will deprive the applicant of rights commonly enjoyed by other properties in similar geographic and land use management areas within the critical area.
- (3) That the granting of a variance will not confer upon the applicant any special privilege that would be denied by this section to other lands or structures within the critical area.
- (4) That the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property.
- (5) That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the critical area, and the granting of the variance will be in harmony with the purpose and intent of this section.
- (6) That all identified habitat protection areas on or adjacent to the site have been protected by the proposed development and implementation of either on-site or off-site programs.
- (7) That the growth allocation for the county will not be exceeded by the granting of the variance.
- (8) That the variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.
- (9) All applications for variance requests shall be filed in writing in accordance with Section 267-9.D. of the Zoning Code. Notice of all variance requests and copies of applications filed in accordance with this section shall be sent to the Chesapeake Bay Critical Area Commission within 10 working days of filing with the Department of

Planning and Zoning. A copy of the recommendation of the hearing examiner or of the Board in acting on the variance shall be promptly sent to the Commission.

- I. Special exceptions. All projects requiring approval as special exceptions within the critical area must meet the standards of this section. The Zoning Administrator may require such additional information, studies or documentation deemed necessary to ensure that applicable requirements of this district are met. Applications will not be considered complete for processing until all information as required by the Zoning Administrator has been received.
- J. Nonconforming uses and structures. Subject to those requirements governing nonconforming uses or structures contained in § 267-20 of this Code, any use or structure in existence as of the date of the enactment of this section shall be allowed to continue as originally built and utilized. Any intensification or expansion of such existing nonconforming uses or structures shall only be allowed subject to the approval of a variance along with all necessary findings, as described in Subsection H of this section.
- K. Grandfathering provisions. Notwithstanding the density provisions of Subsection F(3)(c) of this section, the following development activities shall be allowed in the critical area, provided that the development activity conforms to all applicable provisions for the protection of identified habitat protection areas, for the development of water-dependent facilities; and for adequate stormwater management measures including the limitation of impervious surfaces in LDA in accordance with F(3)(b) of this section:
 - (1) Construction of a single-family dwelling on an undeveloped, legal parcel of land or lot of record that existed as of December 1, 1985.
 - (2) Construction of subdivisions that received final approval prior to June 1, 1984, provided that lots not individually owned are consolidated or reconfigured to comply with the provisions of this section to the maximum extent possible.
 - (3) Construction of subdivisions which received final approval between June 1, 1984, and December 1, 1985.
 - (4) Construction of subdivisions which received final approval after December 1, 1985, and prior to the date of approval of this section. Such subdivisions shall be consistent with the provisions of this section, or the development of these areas must utilize a portion of the county's growth allocation.
 - (5) The expansion by no more than 50% of commercial uses on parcels designated as limited development areas because they did not meet the minimum 20-acre size required for IDA designation.
- L. Amendments to management area boundaries. As defined in this section, the boundaries shown on the critical area maps depicting the critical area land use management areas (IDA, LDA, RCA) may require amendment from time to time. All such amendments or

changes shall be reviewed in accordance with the following procedures and shall conform to the required standards as outlined in this subsection:

(1) General procedures.

- (a) The County Council may propose changes or amendments to the boundaries as shown on the critical area maps. The basis for approval of such amendments shall be due to:

- [1] A mistake in the original designation of a management area; or
- [2] The periodic review of the overall management program; or
- [3] A request for a growth allocation.

- (b) All such proposed amendments shall be reviewed in accordance with the procedures and standards of this subsection.

- (c) Application submittal. All applications for amendments shall be reviewed in the following manner:

- [1] Amendments involving a growth allocation or other amendment request shall be submitted to the Department of Planning and Zoning. The Department of Planning and Zoning shall hold a pre-application meeting with the applicant, and shall notify the applicant in writing of the sufficiency of their application within 30 days of receipt of the application. The Department of Planning and Zoning shall present a report with a recommendation on the proposed amendment to the Planning Advisory Board (PAB) and the Environmental Advisory Board (EAB) within 90 days of the determination of a complete application. The PAB and EAB shall transmit their recommendations on the proposed amendment to the County Council within 90 days of receipt of the Planning and Zoning staff report. The Department of Planning and Zoning shall present a staff report with a recommendation on the amendment to the County Council concurrent with the PAB recommendation.
- [2] If the Department of Planning and Zoning determines that an application is insufficient, the applicant shall submit whatever additional information the Department requires within 30 calendar days from the time of notification of insufficiency. If the required information is not submitted within 30 days, the application shall be considered void.
- [3] The County Council shall hold a public hearing on the proposed amendment. The Department of Planning and Zoning shall publish notice of the date, time and place of the hearing at least once in at least 2

newspapers published in the county at least 2 weeks prior to the hearing date and shall send notice of the hearing a minimum of 2 weeks prior to the hearing to all property owners whose land is immediately adjacent to or lies wholly or in part within the proposed amendment area. At any time after the hearing, the Council may approve or deny these proposed amendments by resolution.

- [4] All amendments approved by the Council shall be forwarded to the Critical Area Commission within 30 calendar days of the Council's final action. No amendment shall be considered final pending action by the State of Maryland Critical Area Commission.

- (d) Information required. At a minimum, all applications for amendments shall include the following information:

- [1] The proposed boundaries of the amendment request showing the existing and proposed boundaries of the management area.
- [2] A written justification describing how the proposed amendment conforms to the objectives of the county's critical area management program and addresses the required findings for the management area where the project is to be located as specified below.

- [a] The Zoning Administrator shall require additional materials as may be necessary for the review of the proposed amendments. For those amendments involving a growth allocation request, the information required for concept plan or preliminary plan approval as listed in the Subdivision Regulations shall be submitted, including factors listed in Subsection M of this section. For amendments involving the correction of a mistake in the original designation, the applicant shall also provide a statement specifying the mistake in the original designation of a land use management area that makes the proposed amendment necessary.

- (2) Fees. The following fee schedule shall apply to all applications for amendments to management area boundaries:

- (a) Publication and posting fee...\$200.00

- (b) Filing fee (all projects)...\$500.00

Plus \$15.00 per acre or portion of an acre within the critical area of Harford County.

- (3) If the Council takes action to deny a growth allocation or boundary mistake argument, the applicant may not submit an application for the same request for 2

years following the decision unless a significant change has been made in the ownership or site conditions.

M. Expansion of intensely developed and limited development management areas.

- (1) General requirements. The boundaries of the intensely developed and limited development management area, as shown on each Zoning Map overlay, may be expanded in accordance with the following procedures for use of a portion of the county's growth allocation:
 - (a) Acreage. The total area of expansion shall not exceed an area equal to 5% of that portion of the total land in the county's resource conservation management area that is not designated tidal wetlands. No more than one-half of the allocated expansion shall occur in areas shown in the resource conservation management area.
 - (b) Location. Expansion of the intensely developed or limited development management areas may be approved subject to the following locational criteria:
 - [1] Such areas shall be located adjacent to an existing limited development area or intensely developed management area. New intensely developed areas must be a minimum of 20 acres in size unless they are adjacent to an existing IDA or LDA or are an existing grandfathered commercial, industrial or institutional use that existed as of the date of the original local program approval. [Amended by Bill 01-35]
 - [2] Such areas shall be located at least 300 feet from tidal waters or tidal wetlands if the land was originally designated in the original resource conservation management area, unless the Zoning Administrator certifies that a critical area buffer less than 300 feet in width is adequate to protect water quality and fish, plant and wildlife habitat.
 - [3] Such areas shall incorporate measures to protect water quality and identified habitat protection areas located on or adjacent to the proposed expansion areas.
 - [4] Such areas shall minimize impacts to habitat protection areas and lands in resource conservation management areas in proximity to such an expanded limited development or intensely developed area.
- (2) Additional requirements. All projects granted a growth allocation shall conform to the following additional standards:
 - (a) All forested area removed shall be replaced on a square-footage basis in accordance with the procedures specified in Section 267-41.1F of the Zoning

Code and the Forest Management Guide. If such replacement is not feasible, an in-lieu fee must be paid to the county in accordance with the procedures specified in this section.

- (b) Pollutant loadings associated with developments granted growth allocations shall be managed according to the levels required for the land use management area amendment. In the case of new intensely developed area, such loadings shall be reduced 10% from pre-development levels. The procedures contained in the technical report entitled "Applicant's Guide for 10% Rule Compliance - Urban Stormwater Quality Guidance for the Maryland Chesapeake Bay Critical Area in Intensively Developed Areas (IDA)" (Appendix C of the Harford County Critical Area Management Program, as amended) shall be used to determine the amount of reduction required and what specific measures are needed to meet these requirements.
 - (c) Development on slopes greater than 15% as measured prior to development shall be prohibited.
 - (d) Development on soils with development constraints; i.e., highly erodible soils, soils with severe septic constraints, hydric soils less than 40,000 square feet in extent, and soils with hydric inclusions as listed in Table XVI shall be restricted. The Zoning Administrator may permit development on such soils if adequate mitigation measures are applied to address the identified constraints and to avoid significant adverse impacts on water quality or fish, plant or wildlife habitats.
- (3) Standards for review of expansion projects.
- (a) Project review criteria. In addition to the requirements listed in Subsections M(1) and (2) above, all projects requesting an expansion of the IDA and LDA as a growth allocation shall be reviewed and evaluated for their conformance with the following factors:
 - [1] The amount of forested area and other vegetative cover that is left undisturbed and in a natural state on the site.
 - [2] Additional public improvements and the specific nature of such improvements that will be provided with the proposed development (Examples of these would include public access facilities to waterfront areas, acceleration of the provision of public water and sewer service to areas with existing health problems, dedication of lands for public park purposes, etc.)
 - [3] Use of innovative site design and construction design features to minimize the disturbance of natural areas and reduce potential impacts

on habitat protection areas and adjacent communities and RCA areas. These features could include, but are not limited to:

- [a] The use of cluster development;
 - [b] The use of shallow-marsh creation stormwater management measures;
 - [c] The use of buffer areas to minimize impacts on existing habitats and wildlife corridors and protect adjacent natural and developed areas from impacts of the proposed development;
 - [d] The use of appropriate landscaping plans and materials to enhance the establishment of vegetated buffer areas on the project site.
- (b) Annexation areas. Any area proposed for annexation by a municipality where the proposed use on the parcel requires a change in the land use management area (i.e., RCA to LDA or IDA, etc.) shall be subject to all the procedures for growth allocation as specified in this section.

N. Comprehensive review of the critical area program

- (1) The critical area program shall be reviewed at least every 4 years beginning with the 4-year anniversary of the program adoption, and the County Council shall propose any necessary amendments to the program or its adopted maps. The basis for approval of such amendments shall be due to:
 - (a) Updated resource inventory,
 - (b) Refinement of program for better consistency with the state critical area criteria,
 - (c) Refinement of program for more effective protection of natural resources within the critical area.
- (2) General procedures. All such amendments or changes shall be reviewed in accordance with the following procedures and shall conform to the required standards as outlined in this subsection:
 - (a) The Department of Planning and Zoning shall submit program amendments to the Planning Advisory Board (PAB) and the Environmental Advisory Board (EAB) together with a summary of the reasoning for the amendments.
 - (b) Within 60 days the PAB and the EAB shall transmit their recommendations on the proposed amendment to the County Council.

- (c) The County Council shall hold a public hearing on the proposed amendment. Notice of the date, time and place of the hearing shall be published at least 1 time in at least 2 newspapers published in the county at least 2 weeks prior to the hearing date. In addition, notice shall also be sent a minimum of 2 weeks prior to the hearing to all property owners whose land lies wholly or in part within the proposed amendment area for map amendments. At any time after the hearing, the Council must approve or deny these proposed amendments.
- (d) All amendments approved by the Council shall be forwarded to the Critical Area Commission within 30 calendar days of the Council's final action. No amendment shall be considered final until approved by the State of Maryland Critical Area Commission.

O. Civil penalty for zoning violation.

- (1) The local county legislative body may provide a civil penalty for a zoning violation, which shall be enforced as provided in this subsection.
- (2) The Zoning Administrator may deliver a citation to a person believed to be committing a civil zoning violation. A copy of the citation shall be retained by the Zoning Administrator and shall bear a certification attesting to the truth of the matters set forth. The citation shall contain:
 - (a) The name and address of the person charged;
 - (b) The nature of the violation;
 - (c) The place where and the time that the violation occurred;
 - (d) The amount of the fine assessed;
 - (e) The manner, location, and time in which the fine may be paid; and
 - (f) The person's right to elect to stand trial for the violation.
- (3) A preset fine, not to exceed \$500, may be imposed for each violation. The county may establish a schedule of fines for each violation and may adopt procedures for collection of these fines.
- (4) A person who receives a citation may elect to stand trial for the offense by filing with the Zoning Administrator a notice of intention to stand trial. The notice shall be given at least 5 days before the date of payment as set forth in the citation. On receipt of the notice of intention to stand trial, the Zoning Administrator shall forward to the District Court having venue, a copy of the citation and the notice of intention to stand trial. On receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties, or forfeitures

collected by the District Court for zoning violations shall be remitted to the county in which the zoning violation occurred.

- (5) If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the violation shall be sent to the owner's last known address. If the citation is not satisfied within 15 days from the date of the notice, the person is liable for an additional fine not to exceed twice the original fine. If, after 35 days, the citation is not satisfied, the Zoning Administrator may request adjudication of the case through the District Court. The District Court shall schedule the case for trial and summon the defendant to appear.
- (6) Adjudication of a violation under this subsection is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.
- (7) In a proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in Article 23a, § 3(b)(8) through (15) of the code. The governing body of any county may authorize the County Attorney to prosecute a civil zoning violation.
- (8) If a person is found by the District Court to have committed a civil zoning violation, the person shall be liable for the costs of the proceedings in the District Court.

Table XVI
Soil Types in Harford County's Critical Area With
Development Constraints
[Added by Bill No. 88-23]
(Part 1)

Shore Type	Hydric Soils	Highly Erodible Soils	Soils With Severe Septic Limitations	Slopes Greater Than 15%
AdA - Aldino	1	X	X	
AdB - Aldino	1	Potential	X	
AdC - Aldino	1	X	X	
AsB - Aldino	1		X	
Av - Alluvial Land	X		X	
BaA - Baile	X		X	
BaB - Baile	X	X	X	
BeA - Beltsville	1		X	
BeB - Beltsville	1		X	
BeC - Beltsville	1	X	X	
BrC2 - Brandywine				
BcD3 - Brandywine			X	X
BrE3 - Brandywine			X	X
CcA - Chester				
CcB2 - Chester				
CcC2 - Chester		X		
CgB2 - Chester				
CgC2 - Chester				
CgD2 - Chester			X	X
ChB2 - Chillum				
CkC2 - Chillum				
CrE - Chrome			X	X
Cu - Codorus	1		X	
Cv - Comus			X	
Cx - Cut/fill land				Potential
DcA - Delanco	1		X	
DcB - Delanco	1	Potential	X	
EhB2 - Elioak				
EhC2 - Elioak		X		
En - Elkton	X		X	
EsA - Elsinboro				
EsB2 - Elsinboro				
EsC2 - Elsinboro		X		
EvC - Elsinboro				
Fs - Fallsington	X		X	
GeB2 - Glenelg				
GcC2 - Glenelg		X		
GcC3 - Glenelg		X		
GcD2 - Glenelg		X	X	X
GcD3 - Glenelg		X	X	X

NOTES:

1 Soils of this type may contain small inclusions of soils noted as hydric soils in depressions, low areas, drainageways and seepage areas.

Table XVI
Soil Types in Harford County's Critical Area With
Development Constraints
[Added by Bill No. 88-23]
(Part 2)

Shore Type	Hydric Soils	Highly Erodible Soils	Soils With Severe Septic Limitations	Slopes Greater Than 15%
GbB2 - Glenelg				
GgC2 - Glenelg				
GgC3 - Glenelg				
GgD2 - Glenelg			X	X
GgD3 - Glenelg		X	X	X
GnA - Glenville	1		X	
GnB - Glenville	1		X	
Hb - Hatboro	X		X	
JpB - Joppa				
JpC - Joppa				
KeB - Kelly	1	Potential	X	
KeC2 - Kelly	1	X	X	
KfD - Kelly	1		X	Potential
KpA - Keyport	1		X	
KpB - Keyport	1		X	
KrA - Kinkora	X		X	
KrB - Kinkora	X	X	X	
LeB2 - Legore				
LeC2 - Legore				
LeD2 - Legore			X	X
LeE - Legore			X	X
LfC - Legore			X	
LfD - Legore			X	X
LfE - Legore			X	X
LgC3 - Legore				
LgD3 - Legore			X	X
Lr - Leonardtown	X		X	
LyB - Loamey/clayey land			X	
LyD - Loamey/clayey land		X	X	
LyE - Loamey/clayey land		X	X	X
MbB2 - Manor		Potential		
MbC2 - Manor		X		
MbC3 - Manor		X		
MbD2 - Manor		X	X	X
MbD3 - Manor		X	X	X
McB2 - Manor				

NOTES:

1. Soils of this type may contain small inclusions of soils noted as hydric soils in depressions, low areas, drainageways and seepage areas.

Table XVI
Soil Types in Harford County's Critical Area With
Development Constraints
[Added by Bill No. 88-23]
(Part 3)

Shore Type	Hydric Soils	Highly Erodible Soils	Soils With Severe Septic Limitations	Slopes Greater Than 15%
McC2 - Manor		X		
McC3 - Manor		X		
McD2 - Manor		X	X	X
McD3 - Manor		X	X	X
MdE - Manor		X	X	X
MfE - Manor		X	X	X
MgC - Manor				
MgD - Manor		X	X	X
MkA - Matapeake			X	
MkB - Matapeake				
MIA - Matapex	1		X	
MIB - Matapex	1		X	
MsA - Montalto			X	
MsB2 - Montalto			X	
MsC2 - Montalto			X	
NeA - Neshaminy				
NeB2 - Neshaminy				
NeC2 - Neshaminy		X		
NsC - Neshaminy		X	X	
NsD - Neshaminy			X	X
NsE - Neshaminy			X	X
Ot - Othello	X		X	
Sa - Sand/Gravel	1			Potential
ShB2 - Sassafras				
ShC2 - Sassafras				
SIB2 - Sassafras				
SIC2 - Sassafras				
SsD - Sassafras				
SsE - Sassafras			X	X
St - Stony land			X	X
Sw - Swamp	X		X	
Tm - Tidal marsh	X		X	
WaA - Watchung	X		X	
WaB - Watchung	X	X	X	
WcB - Watchung	X	X	X	
WhB - Whiteford				
WhC2 - Whiteford		X		
WoB - Woodstown	1			

NOTES:

1 Soils of this type may contain small inclusions of soils noted as hydric soils in depressions, low areas, drainageways and seepage areas.

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267-41.2. U.S. Route 40 Commercial Revitalization District. [Added by Bill 00-10]

A. Definitions.

Pad Site – A separate lot or leased site that is located within a shopping center site. The pad site is subject to any conditions established by the Zoning Code or the Board of Appeals, but boundary setback need not be met for internal lot lines.

Redevelopment – Construction activities in previously developed areas which include the demolition of existing structures and building new structures or the substantial renovation of existing structures, often changing form and function. Redevelopment may involve existing property owners and businesses or new owners and tenants.

Revitalization – Efforts to improve business areas which include the physical enhancement of existing streetscapes and structures, marketing or other efforts to fill vacancies and boost business. Revitalization generally focuses on current property owners and businesses.

B. Purpose and Intent.

The intent of this overlay district is to encourage revitalization and redevelopment in the U.S. Route 40 corridor through development of vacant parcels, redevelopment and improvement of existing properties. Flexibility of land uses and standards will be encouraged to enhance appearance and to ensure compatibility with adjacent residential neighborhoods.

C. Application.

The U.S. Route 40 Commercial Revitalization District (“Rte. 40 CRD”) is hereby defined as those parcels between the CSX Railroad and U.S Route 40 and those parcels lying along the south side of U.S. Route 40 with direct frontage on U.S. Route 40 and those parcels zoned B2 or B3 without direct frontage on U.S. Route 40 within 2,000 feet of the right of way on the south side of U.S. Route 40. The Rte. 40 CRD may be expanded along the south side by the inclusion of additional parcels being developed in combination with properties directly fronting on U.S. Route 40. All properties lying within the Rte. 40 CRD shall be entitled to the privileges associated with this overlay district and shall be subject to the standards set forth herein.

D. Existing Zoning.

Unless otherwise specified in this section, the permitted uses and design standards for parcels within the Rte. 40 CRD shall be those of the underlying zoning district. All other requirements of the Zoning Code shall remain in effect. In the case of conflict between this section and any other section of the Zoning Code, the requirements of this section shall take precedence.

E. Minimum Yard Requirements.

The minimum yard requirements are as specified in the tables designating design requirements for specific uses. The Zoning Administrator may authorize a modification of the minimum yard requirements if he/she determines that, in the particular case, the specific nature of the use or the exceptional shape or size of the property or other exceptional situations or conditions warrants such a modification. Such a modification shall not reduce the required yard by more than 50% of the otherwise required yard. In no case shall the yard requirement be smaller than any required setback or buffer yard for that particular use.

F. Maximum Height.

The maximum height of a structure on property zoned CI or B3 in the Rte. 40 CRD shall be six stories. Heights for structures located in zoning districts other than B3 and CI in the Rte. 40 CRD shall be as provided in the Code.

G. Revitalization, Redevelopment or Expansion of Shopping Centers Constructed Prior to 1982.

Shopping centers and integrated community shopping centers (ISCS) constructed under the standards of Ordinance 6 may be structurally altered. Revitalized or redeveloped wholly or in part through administrative approval of a site plan and acquisition of all necessary permits. No new approval by the Board of Appeals will be required under the following conditions:

- (1) The gross square footage of a building does not increase more than 20%.
- (2) The gross square footage of a building may be increased by up to 40% provided that the following improvements occur on the existing and the expanded portion of the site.
 - (a) New signage which is cohesive and unifying be installed throughout the entire site; and
 - (b) Landscaping of the parking lot through the installation of parking islands must equal 10% of the gross parking lot area. Wherever possible, the parking islands shall be designated to also serve as a bioretention area for stormwater runoff.
- (3) The gross square footage of a building may be increased by up to 60% provided that all the conditions of Subsection G(2) are satisfied and that the access points to U.S. Route 40 are consolidated and reduced or considered the most appropriate and safest conditions as a result of the expansion as determined by the State Highway Administration.

- (4) The new construction shall meet the setback standards of Section 267-47 or shall extend no closer to the property lines and public roads than the existing structures, whichever is smaller.
- (5) Separate buildings located on pad sites shall be located no less than 15 feet from the public right of way or no less than 10 feet from parking areas. No parking or loading areas shall be located between the public right of way and the pad site structure; and
- (6) The Zoning Administrator shall approve the development plans, including architectural design, landscaping, parking and circulation.

H. Modifications, revitalization, redevelopment or expansions of Integrated Community Shopping Centers constructed after 1982.

ICSC approved under the standards of Section 267-47 may be modified, revitalized, redeveloped or expanded through administrative approval of a site plan and acquisition of all necessary permits. No new approval by the Board of Appeals will be required under the following conditions:

- (1) The gross square footage of a building may be increased by up to 20% provided that:
 - (a) All design standards of Section 267-47 can be met; and
 - (b) All conditions of the prior approval, except square footage, can be met.
- (2) The gross square footage of a building may be increased by up to 40% provided that all the conditions of Subsection H(1) are satisfied and that the following improvements occur on the existing and the expanded portion of the ICSC:
 - (a) New signage which is cohesive and unifying be installed throughout the entire ICSC; and
 - (b) Landscaping of the parking lot through the installation of parking islands must equal 10% of the gross parking lot area. Wherever possible, the parking islands shall be designed to also serve as a bioretention area for stormwater runoff;
- (3) The gross square footage of a building may be increased by up to 60% provided that all the conditions of Subsections H(1) and H(2) are satisfied and that the access points to U.S. Route 40 are consolidated and reduced or considered most appropriate and safest conditions as a result of the expansion as determined by the State Highway Administration.
- (4) Separate buildings located on pad sites shall be located no less than 15 feet from the public right of way or 10 feet from parking areas. No parking or loading areas shall be located between the public right of way and the pad site structure; and

- (5) The Zoning Administrator shall approve the development plans, including architectural design, landscaping, parking and circulation.

I. Rte. 40 CRD Shopping Center Approvals.

An ICSC shall be permitted in the B1, B2, B3 and CI Districts in the Rte. 40 CRD. For the properties within the Rte. 40 CRD, the approval for location of an ICSC by the Board of Appeals shall be required only when the gross floor area exceeds 40,000 square feet. The development plans for shopping centers in the Rte. 40 CRD shall be reviewed and approved by the Zoning Administrator with regard to site design and architectural compatibility.

J. Mixed Use Centers in the Rte. 40 CRD.

Mixed use centers shall be permitted within the Rte. 40 CRD in conformance with the standards established in Section 267-46.5.

K. Redevelopment of Existing Business Uses.

Existing business uses located within the Rte. 40 CRD may be structurally altered, revitalized or redeveloped wholly or in part, provided new construction meets the minimum yard requirements or extends no closer to the property lines and public roads than the existing structures, whichever is smaller. The minimum yard requirements may be reduced as permitted by Section 267-41.2E of these regulations. All other provisions in the Code shall be applicable unless otherwise stated.

L. Residential Uses in Business Districts.

Residential uses may be integrated into business developments located in B3 and CI Districts provided that square footage of residential use does not comprise more than 50% of the total building square footage. Such residential uses may include residential apartments located above retail and service uses or single family attached or multi-family units incorporated into the design of the business development. Approval of such a mixed use Center by the Zoning Administrator shall be based on architectural and site design elements, landscaping and buffering.

M. Apartments; Garden, Mid-Rise.

These residential uses may be located within the R4 and B3 Zoning Districts in the Rte. 40 CRD in conformance with the provisions of Article VII.

N. Parking Standard Modifications.

The off-street parking requirements for any given use shall be established as per Section 267-25D of the Harford County Zoning Code. The Zoning Administrator, with concurrence from the Director of the Department of Public Works, may:

- (1) Authorize a modification of the parking space requirements if he/she determines that, in the particular case, the specific nature of the use or the exceptional shape or size of the property or other exceptional situations or condition warrants such a modification. Such a modification shall not reduce the number of parking spaces to less than 80% of the required spaces.
- (2) If pedestrian access or linkages to mass transit as defined by the County Transportation Element Plan are provided on site from the public right of way to the primary building, the required parking standards may be reduced by up to 10%. This reduction may be taken with the authorization of the Zoning Administrator. This reduction may be utilized in addition to any parking reduction authorized through Section 267-41.2N(1).

O. Shared Parking Provisions.

A portion of the required parking may be provided on an adjacent property provided that:

- (1) The underlying zoning of the adjacent property permits parking for the principal use of the site being developed.
- (2) There is adequate parking to meet the parking requirements for all uses served by the parking.
- (3) The shared parking area is located less than 500 feet from the entrance of the primary building located on the site being developed.
- (4) The shared parking area is subject to a shared parking agreement made between current owners of the properties. The agreement shall be recorded in the Land Records of the County. The agreement shall be reviewed and approved by the County's Department of Law prior to recordation. All shared parking agreements must also contain a provision for maintenance of the parking area.
- (5) The parking area must have safe vehicular and pedestrian access from the shared parking area to the subject property.
- (6) The required parking area shall be paved with a hard surface.
- (7) Parking for residential uses shall be clearly designated.

P. Landscaping.

Development, redevelopment and substantial renovation of properties within the Rte. 40 CRD shall include installation of landscaping materials to meet the following standards:

- (1) Any part of a lot not used for buildings or other structures, or paved for off-street parking, loading and maneuvering areas, drives and pedestrian walks or incidental outside storage, shall be landscaped and properly maintained.
- (2) All parking lots, loading areas and outdoor storage areas shall be landscaped and screened from any adjacent roads and residential districts.

Q. Emergency Access.

The design of the project shall provide that all multi-family and nonresidential structures be accessible to emergency vehicles by means of a paved surface or load-bearing way acceptable to the Director of the Department of Public Works. The Department of Planning and Zoning, in consultation with the Department of Public Works, shall establish standards and specifications for the paved surface or load-bearing way. The project shall be designed so that when the on-street and off-street parking areas are in use, the access of emergency vehicles is not impeded. A security vault, approved by the fire chief of the volunteer fire and ambulance company located closest to the site, shall be installed on each multi-family and nonresidential structure.

267-41.3. Edgewood Neighborhood Overlay District.

A. Definitions.

Community Green – A primary internal landscaped open space designed and intended for the use and enjoyment of the community.

Community Plan – Sub area planning document that further defines the intentional land use and long-range planning objectives adopted by the County Council.

Live/Work Units – Structures that have professional offices or retail services on the first floor with residential uses on the second floor. The property owner or business operator must occupy the residence.

Main Street District – Area designated in a community plan along Maryland Route 755 that has identified commercial uses within walkable distances and allows a mix of office, retail and residential uses.

Neighborhood Market – Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption such as prepackaged food and beverages and limited household supplies and hardware. Typical uses include country stores and shall not include fuel pumps or selling of fuel for motor vehicles.

Pad Site – A separate lot or leased site that is located within a shopping center site. The pad site is subject to any conditions established by the Zoning Code or the Board of Appeals, but boundary setbacks need not be met for internal lot lines.

Planned Employment Center – Development option designed to permit and promote major economic development opportunities such as corporate offices, educational/training facilities, research and development facilities or other uses that create significant job opportunities and investment benefits.

Redevelopment – Construction activities in previously developed areas which include the demolition of existing structures and building new structures or the substantial renovation of existing structures, often changing form and function. Redevelopment may involve existing property owners and businesses or new owners and tenants.

Revitalization – Efforts to improve residential and business areas which include the physical enhancement of existing streetscapes and structures, marketing and other efforts to fill vacancies and boost business. Revitalization generally focuses on current property owners and businesses.

Streetscape – An area that may either abut or be contained within a public or private street right of way or access way that may contain sidewalks, street furniture or landscaping and similar features.

B. Purpose and Intent.

The intent of this district is to implement the Edgewood Community Plan adopted by the County (Bill No. 00-6). This district is intended to provide incentives as well as establish standards to encourage quality redevelopment consistent with the community plan.

C. Existing Zoning.

Unless otherwise specified in this section, the permitted uses and design standards for parcels in the Edgewood Neighborhood Overlay District shall be those of the underlying zoning district. In the case of conflict between this section and any other section of the Zoning Code, the requirements of this section shall take precedence.

D. Applicability.

This district includes all land situated between Maryland Route 152 and Otter Point Creek, north of the Aberdeen Proving Ground and south of the U.S. Route 40 Commercial Revitalization District, as defined in Section 267-41.2.

E. Streetscape Design Standards.

The following streetscape requirements must be reviewed and approved by the Department of Planning and Zoning with concurrence from the Department of Public Works:

- (1) Sidewalks at least 5 feet in width (except for main street districts) shall be provided and constructed of similar materials consistent with adjacent sites.
- (2) Street trees of a minimum 3-inch caliper shall be planted at 30-foot intervals along sidewalks. Shrubs or planters may be used when street trees are not feasible.
- (3) Pedestrian-scale streetlights (12 feet high) shall be provided at no greater than 80 feet intervals along sidewalks and parking areas.
- (4) Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right of way and in courtyards provided that pedestrian circulation and access to store entrances shall not be impaired.
- (5) Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade.
- (6) Outdoor cafes and sidewalk displays shall maintain a clean, litter free and well-kept appearance at all times and shall be compatible with the colors and character of the storefront from which the business operates.

F. Parking Standard Modifications.

Parking standards shall not be reduced by more than 30% of the required number of spaces. The off-street parking requirements for any given use shall be established per Section 267-25D of the Harford County Code. The Department of Planning and Zoning, with concurrence from the Department of Public Works, may authorize a modification of the parking space requirements:

- (1) If parking lots are screened from the public right of way with landscaping and/or low walls, the required parking standards may be reduced up to 10%.
- (2) If parking is located in the rear, the parking standards may be reduced up to 10%.
- (3) If pedestrian linkages to transit stops are provided, the parking standards may be reduced up to 10%.
- (4) If on-street parking is provided, the parking standards may be reduced up to 5%.
- (5) If bicycle connections are provided, the parking standards may be reduced up to 10%.

G. Shared parking provisions.

A portion of the required parking may be provided on an adjacent property provided that:

- (1) The underlying zoning of the adjacent property permits parking for the principal use of the site being developed.
- (2) There is adequate parking to meet the parking requirements for all uses served by the parking.
- (3) The shared parking area is located less than 500 feet from the entrance of the primary building located on the site being developed.
- (4) The shared parking area is subject to a shared parking written agreement made between current owners of the properties. The agreement shall be recorded in the Land Records of the County. This agreement shall be reviewed and approved by the County's Department of Law prior to recordation. All shared parking must also contain a provision for maintenance of the parking area.
- (5) The parking area must have safe vehicular and pedestrian access from the shared parking area to the subject property.
- (6) The required parking area shall be paved with a hard surface.
- (7) Parking for residential uses shall be clearly designated.

H. Landscaping and Bufferyards.

Each development shall provide a landscaping and bufferyard plan identifying the following:

- (1) All development shall include a minimum of 20% of the parcel area preserved as vegetated open space. The bufferyards landscaped, parking islands, building and perimeter landscaping and streetscape shall be included in the calculation of open space, so long as a minimum width of 10 feet is maintained. Vegetated stormwater management facilities shall be included in the calculation of open space.
- (2) All parking lots, loading areas and outdoor storage areas shall be separated with bufferyards from any adjacent roads and residential districts. The width of the buffer may be varied based on the height, density and aesthetics of the screening measures proposed in accordance with the following standards:

SCREENING MEASURES

WIDTH OF BUFFERYARD

Vegetation less than 6 feet	50 feet
Vegetation exceeding 6 feet	30 feet
Solid fence, berm or wall 6 feet in height	20 feet

- (3) The width of the bufferyard may be reduced if the Zoning Administrator determines that the screening provided achieves the objectives of this subsection.
- (4) Facilities for refuse disposal shall be enclosed by solid fence or walls, and landscaping shall be installed around the perimeter.
- (5) Existing significant trees shall be retained and incorporated into the landscaping and site design to the greatest extent practicable. Relocation of existing trees and shrubs from alternative sites is encouraged.
- (6) Landscape amenities and materials shall be of high quality.
- (7) Islands and other landscaping alternatives shall be incorporated into parking areas to add visual interest. The use of islands and perimeter gardens designed and landscaped to serve as bioretention facilities is encouraged.

I. Signage.

- (1) Signage shall be considered an integral part of the design and shall incorporate the architectural elements and materials utilized. The Sign Code provisions provided for in Chapter 219 of the Harford County Code that conflict with the following are not

applicable to uses in the Edgewood Neighborhood Overlay District. In all instances, consideration shall be taken to ensure each sign does not restrict sight distance for motor vehicle operators.

- (a) An overall signage plan and architectural renderings of the signs shall be submitted as part of the site plan approval process. The signage shall be compatible in quality, style, color and materials to the building(s). Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.
 - (b) Freestanding identification signs shall be limited to 1 sign for each road frontage. The maximum size of any sign shall not exceed 50 square feet. The maximum height of the signs shall not exceed 10 feet from the base of the sign, and signs must be set back a minimum of 10 feet from the road right of way line.
 - (c) Signs to identify the use of an occupant shall be designed as part of the architectural design of the building and attached thereto.
 - (d) Directional information signs shall be adequately provided and design coordinated.
- (2) The following types of signs shall not be permitted for any new or redevelopment project located in the Edgewood Neighborhood Overlay District:
- (a) Billboards.
 - (b) Flashing, revolving, rotating or changing-light-intensity or changing-color signs.
 - (c) Temporary or portable signs shall be permitted in the area designated as the main street only. Temporary or portable signs shall be permitted during daylight hours. Signs may not exceed 2 feet in width and 4 feet in height. Signs must be maintained in good condition and shall not create a hazard to the public. Signs shall be located so as not to inhibit the normal flow of pedestrian traffic and in front of the specific business that is being advertised. Only 1 sign permitted per structure.
- (3) All signs in existence prior to January 1, 2001 that do not meet the standards of this subsection shall have 5 years to comply with the provisions of this subsection.

J. Development Standards.

(1) Main Street.

The standards shall be applicable to all properties fronting the main street designated in the adopted community plan and shall take precedence over conflicting requirements.

(a) Minimum standards.

- [1] New and redevelopment projects must build to the sidewalk to ensure a continuous street wall.
 - [2] Where the provision of rear and side yard parking is not provided for the revitalization of existing structures, a continuous street wall shall be provided through a low wall/fence or hedge approved by the Zoning Administrator.
 - [3] Visual coherence and community character shall be enhanced by the use of consistent building scale with a 2-story building or 2-story façade.
 - [4] Side yard setbacks may be reduced if adjacent uses are similar in scale and function and parking is provided either on street and/or in the rear.
 - [5] Buildings shall be oriented to face the street, with entrances and display windows at street level. A direct and convenient pedestrian connection shall be provided from sidewalk to building entrance.
 - [6] Architecturally harmonious materials, colors, textures and treatments shall be used for all exterior walls. Contrasting colors that accent architectural details and entrances are encouraged. Preference shall be given to brick or frame buildings. Rear facades shall be of finished quality and shall be consistent in color with the rest of the building.
 - [7] Sidewalks at least 10 feet in width shall be provided the entire length of the property fronting the main street. Connections to existing sidewalks adjacent to the property shall be provided when appropriate.
- (b) Live/work units are permitted provided that no more than 50% of the gross square footage of the structure is limited to residential use.
- (c) Use setbacks shall be landscaped and used in calculations to meet landscaping requirements contained for this district.

(2) Mixed use centers.

(a) Purpose.

To provide opportunities and incentives for high quality mixed use development that creates a synergy of uses, attractive and efficient design and a reduction of vehicle miles traveled by locating a variety of uses in one location in the B2, B3, CI and R4 zoning districts within the Edgewood Neighborhood Overlay District.

(b) Objectives.

- [1] To encourage orderly, staged development of comprehensively designed mixed use centers.
- [2] To create a mixture of office, retail, recreational, hotel and residential uses within a single structure or within multiple structures, but physically and functionally integrated and related structures and open spaces, while protecting the residential character of surrounding neighborhoods.
- [3] To provide for an enriched and enhanced natural environment by the preservation of trees and the incorporation of stormwater management techniques which maintain the hydrologic regime of the site.
- [4] To assure compatibility of the proposed land uses with the internal and surrounding uses by incorporating innovative standards of land planning and site design.
- [5] Encourage harmonious and coordinated development of sites, considering the existing natural features, pedestrian and vehicular circulation and compatibility with surrounding uses.
- [6] Encourage development that is of excellent design and architecture with a mix of uses that will create a synergy of uses, efficiency of design and a reduction of vehicle miles traveled.

(c) Eligibility.

- [1] In order for a project to utilize the mixed use center development standards, the property must be located in the B2, B3, CI or R4 zoning districts within the Edgewood Neighborhood Overlay District.
- [2] Any project utilizing the mixed use center development standards must utilize public water and sewer.

(d) Permitted uses.

- [1] All uses permitted by the underlying zoning district.
- [2] Mix of uses.

The following percentage of floor area proposed on-site as shown on all plans shall not exceed the following:

Residential Uses	50%
Service Uses	75%
Retail Trade	50%
Institutional	50%
Industrial	50%
Motor Vehicle/Related	25%
Warehousing, Wholesaling	25%
All Other Uses	25%

Individual percentages may be exceeded at the discretion of the Zoning Administrator subject to proof of good cause and benefit to the community.

(e) Site Design.

- [1] The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.
- [2] The project shall be designed with regard to the topography and other natural features of the parcel.
- [3] Site design shall incorporate elements that foster community interaction, including but not limited to, outside plazas and eating areas, focal points such as a pond or fountain, public art or other amenities that generally serve the public.
- [4] The mixed use center may include the subdivision of individual building sites or the creation of lease spaces for freestanding buildings. The project must function as a cohesive commercial center with pedestrian linkages between the buildings. The architecture, site design, lighting and signage of the freestanding sites shall incorporate consistent design and theme elements, such as pedestrian courtyards.
- [5] Minimum yard requirements. As specified in the underlying zoning district.

- [6] All circulation plans, lighting, landscaping and bufferyard plans must be submitted with the preliminary plan application.

(f) Building Design.

An architectural rendering of the building façade and elevations of the structures shall be submitted to the Department of Planning and Zoning as part of the site plan approval process. The rendering shall demonstrate how the project will meet the following standards and objectives:

- [1] Materials, massing and façade design for the project shall be harmonious with the character of the neighborhood. The style of the buildings should incorporate design elements prevalent in the community such as width, roof line, pattern, size, shape, heights and facing windows.
- [2] The patterns for placement of windows and doors and use of traditional design elements such as façade offsets, covered porticoes, recessed or projected entries and other appropriate architectural features and details is encouraged to provide relief to buildings over 40 feet in length or width.
- [3] Architecturally harmonious materials, colors, textures and treatments should be used for all exterior walls. Contrasting colors that accent architectural details and entrances are encouraged. Preference shall be given to brick or frame buildings with the use of architectural grade (high profile dimensional) shingles and standing seam metal roofs as a unifying element. Rear facades shall be of finished quality and shall be consistent in color with the rest of the building.

(g) Parking.

- [1] Parking may be provided as per the Harford County Zoning Code or as modified per the Edgewood Neighborhood Overlay District; or
- [2] Parking requirements in a mixed use center may be calculated by the use of the following chart. This chart takes into account that different uses have their peak parking generation periods at different times and sharing of parking spaces may be used.

USE	WEEKDAY		WEEKEND		
	DAY 6AM TO 6PM	EVENING 6PM TO 12MID	DAY 6AM TO 6PM	EVENING 6PM TO 12MID	NIGHTTIME 12MID TO 6AM
INDUSTRIAL	100%	10%	10%	5%	5%
RETAIL AND SERVICE	60%	90%	100%	70%	5%
HOTELS	75%	100%	75%	100%	75%
RESTAURANTS	50%	100%	100%	100%	10%
MOVIE THEATERS	40%	100%	80%	100%	10%
ALL OTHER USES	100%	100%	100%	100%	100%

Using the parking requirements from the Harford County Zoning Code, the highest parking requirement for any given time period is calculated using the chart above. This requirement becomes the parking requirement for the nonresidential uses in the mixed use center. All requirements for shared parking shall be addressed in any mixed use center utilizing shared parking in accordance with the Zoning Code. Residential parking requirements shall be determined from the parking requirements in the Harford County Zoning Code.

- [3] The Zoning Administrator may approve the use of landscaped pavers or other pervious material for a portion of the required parking not to exceed 25% of the total parking.

(h) Pedestrian Circulation Plan.

Each mixed use center shall provide a pedestrian circulation plan identifying improvements that are reviewed and approved by the Department of Public Works and accomplish the following:

- [1] Minimizes conflict between pedestrians and moving motor vehicles.
- [2] Channels pedestrian flows to crossing areas and delineates paths across major roadways through the use of textured surfaces, striping and signage.

- [3] Creates safe and convenient pedestrian paths from all parking areas to the buildings and between the buildings through the use of landscaped buffer areas, islands, walkways, crosswalks and traffic control devices.
- [4] Connects internal pedestrian walkways to existing walkways and/or makes provisions for connection to future site walkways.
- [5] Provides convenient and safe access to surrounding residential neighborhoods and commercial areas.

(i) Vehicular Circulation Plan.

Each mixed use center shall provide a vehicular circulation plan identifying improvements that accomplish the following:

- [1] At principal vehicular access points: service drives, turn-out lanes, traffic separation devices and merging lanes may be required based on the anticipated flow of traffic. Such service drives or turn-out and merging lanes may be allowed as part of the required yard adjacent to a collector or arterial street. No such service drive or lane, and no vehicular entrance or exits, shall be counted as part of any required landscaped area.

- [2] Loading and service areas.

Loading and service areas shall be separated from the pedestrian and customer parking areas. Service areas shall be located away from roadways to the greatest extent possible. If exposed to view, due to unusual site conditions, service areas shall be screened from public view to the greatest extent possible.

(j) Lighting.

Each mixed use center shall provide a lighting plan identifying the following:

- [1] A description of the type and location of lighting fixtures and the light intensity and shielding provisions to be used.
- [2] The lighting fixtures shall be designed to assure compatibility with the building style.
- [3] Lighting shall be designed, installed and maintained in a manner not to cause a glare or reflection on adjacent residential lots.

(k) Landscaping and Bufferyards.

Each mixed use center shall provide a landscaping and bufferyard plan identifying the following:

- [1] Mixed use centers shall include a minimum of 20% of the parcel area preserved as vegetated open space. The bufferyards, landscaped parking islands, building and perimeter landscaping shall be included in the calculation of open space, so long as a minimum width of 10 feet is maintained. Vegetated stormwater management facilities shall be included in the calculation of open space.
- [2] All parking lots, loading areas and outdoor storage areas shall be separated with bufferyards from any adjacent roads and residential districts. The width of the buffer may be varied based on the height, density and aesthetics of the screening measures proposed in accordance with the following standards:

SCREENING MEASURES	WIDTH OF BUFERYARD
Vegetation less than 6 feet	50 feet
Vegetation exceeding 6 feet	30 feet
Solid fence or wall 6 feet in height	20 feet

- [3] Facilities for refuse disposal shall be enclosed by solid fence or walls, and landscaping shall be installed around the perimeter.
- [4] Existing significant trees shall be retained and incorporated into the landscaping and site design to the greatest extent practicable. Relocation of existing trees and shrubs from alternative sites is encouraged.
- [5] Landscape amenities and materials shall be of high quality.
- [6] Island and other landscaping alternatives such as planting trees shall be incorporated into parking areas to add visual interest. The use of islands and perimeter gardens designed and landscaped to serve as bioretention facilities is encouraged.
- [7] For individual lots subdivided within a mixed use center, the bufferyard and screening requirements shall apply only to the perimeter of the center and shall not be applicable internally between uses on adjacent lots developed within the center. Where individual lots are established within a mixed use center, the on-site landscaping shall be consistent with the materials and themes established for the overall center.

(l) Community Input.

Mixed use centers shall be subject to at least 2 advertised public informational meetings held by the developer.

- [1] The initial public information meeting shall solicit comments from the community regarding the site design, center function and community amenities. The developer of the mixed use center shall have draft concept plans for the site layout, proposed materials and illustrations of the architectural style proposed. This meeting shall be held prior to submittal of a site plan for review through the Development Advisory Committee.
- [2] The follow-up public meeting shall present more detailed site layout, circulation plans, draft landscaping and lighting plans. This meeting shall be held prior to approval of the site plan by the Department of Planning and Zoning.

(m) Modifications.

The Zoning Administrator may approve modifications to the approved plans for the mixed use center, provided that the overall theme and intent of the project remains intact. Should modifications constitute a substantial change to the project, the Zoning Administrator may require the applicant to hold additional public meetings and/or may require the Development Advisory Committee review the amended project.

(3) Planned Employment Centers.

Planned employment centers are an option for projects located in the R4, B3, LI, CI or GI zoning districts.

(a) The following are permitted uses within a planned employment center:

- [1] Corporate offices.
- [2] Professional services.
- [3] Laboratory research and development.
- [4] Educational/Training.
- [5] Retail uses are limited to 10% of the gross square footage of the overall project and located on the ground level.

- (b) All planned employment center developments are subject to site plan approval and the following:

- [1] A minimum parcel size of 20 acres.
- [2] A common area to include a community green area with pedestrian walkways maintained with strict covenants by a property manager or landowner.
- [3] The original user and any subsequent users must initially create and make reasonable efforts to maintain a minimum of 75 full-time equivalent employment opportunities.
- [4] The maximum impervious surface coverage on the developed parcel shall be 75%.
- [5] Trash containers/dumpsters shall be screened on all sides exposed to street view. Construction materials for screening shall be consistent in color and texture to the main building.
- [6] No outside display or storage is permitted.
- [7] Loading facilities shall be screened from public view.
- [8] Access to the site shall accommodate anticipated traffic volumes. Pedestrian and bicycle circulation plans shall be submitted with preliminary plans indicating on-site amenities and linkages to adjacent sites. The Department of Planning and Zoning shall approve such access with concurrence from the Department of Public Works.

- (c) Building Design.

An architectural rendering of the building façade and elevations of the structures shall be submitted to the Department of Planning and Zoning as part of the site plan approval process. The rendering shall demonstrate how the project will meet the following standards and objectives:

- [1] Materials, massing and façade design for the project shall be harmonious with the character of the neighborhood. The style of the buildings should incorporate design elements prevalent in the community, such as width, roof line, pattern, size, shape, heights and facing windows.
- [2] The patterns for placement of windows and doors and use of traditional design elements such as façade offsets, covered porticoes, recessed or projected entries and other appropriate architectural features and details

is encouraged to provide relief to buildings over 40 feet in length or width.

- [3] Architecturally harmonious materials, colors, textures and treatments should be used for all exterior walls. Contrasting colors that accent architectural details and entrances are encouraged. Preference shall be given to brick or frame buildings with the use of architectural grade (high profile dimensional) shingles and standing seam metal roofs as a unifying element. Rear facades shall be of finished quality and shall be consistent in color with the rest of the building.

(d) Community Input.

Planned employment centers shall be subject to at least 2 advertised public informational meetings held by the developer.

- [1] The initial public information meeting shall solicit comments from the community regarding the site design, center function and community amenities. The developer of the planned employment center shall have draft concept plans for the site layout, proposed materials and illustrations of the architectural style proposed. This meeting shall be held prior to submittal of a site plan for review through the Development Advisory Committee.
- [2] The follow-up public meeting shall present more detailed site layout, circulation plans, draft landscaping and lighting plans. This meeting shall be held prior to approval of the site plan by the Department of Planning and Zoning.

(4) Traditional Neighborhood Developments.

(a) Purpose.

To provide for flexibility in modifying housing types, limited retail uses and site design standards. To allow innovative designs that foster a sense of community.

(b) Objectives.

- [1] To promote the concept of community through the design of a variety of housing types and the development of adequate open space.
- [2] To encourage design flexibility in housing types and the architectural style of buildings within the development.

- [3] To assure compatibility of the proposed land uses with internal and surrounding uses by incorporating different standards of land planning and site design than could be accomplished under conventional zoning categories.
- [4] To provide for an enriched and enhanced natural environment in a community by the preservation of trees, natural topographic and geological features, wetlands, watercourses and open space.
- [5] To encourage development in a phased or staged fashion to ensure the adequacy of the provision of public facilities and the concurrent implementation of community amenities.

(c) Eligibility.

A traditional neighborhood development shall have a parcel size of 15, 10, 5 and 5 acres in the R1, R2, R3 and R4 district, respectively.

(d) Permitted Uses.

The following uses shall be permitted:

- [1] Residential uses shall be entitled to be developed under flexible design standards. Permitted uses include single-family detached dwellings, single-family attached dwellings and multiple-family dwellings.
- [2] The following open space uses shall be permitted in conjunction with the residential development: community parks; recreational facilities and playgrounds; bicycle paths; greens and squares; or linkages to regional recreation and open space systems.
- [3] Institutional uses that are permitted within the R1, R2, R3 and R4 district may be incorporated within a traditional neighborhood development. Developments for the following uses will be permitted provided that such uses do not exceed 25% of the gross land area up to a maximum of 10 acres.
 - [a] Fire station with assembly hall.
 - [b] Day care centers.
 - [c] Community centers.
 - [d] Civic service clubs.
 - [e] Private schools.

- [4] If the Zoning Administrator approves the lot standards, building types, yard and building setbacks, parking, street requirements and any other design requirements necessary for development of the project, the approved standards and requirements shall be enforceable as any other standard or requirement of this Part 1.
- [5] A traditional neighborhood development shall not apply to the main street area as defined by the Edgewood Neighborhood Overlay District and may include the following additional permitted uses:
 - [a] Residential.
 - [i] Country inns and resorts.
 - [ii] Nursing homes and assisted living.
 - [b] Commercial.

Any commercial use proposed in a residential district shall be part of an overall redevelopment or development plan. Development for these uses will be permitted provided that such uses do not exceed 1,000 square feet of gross floor area for every 100 dwelling units. The inclusion of the following business uses shall not affect the overall residential density calculations.

 - [i] Neighborhood market.
 - [ii] Specialty shops.
 - [iii] Antique shops, art galleries and museums.
 - [iv] Health services and medical clinics.
 - [v] Personal services.
 - [vi] Professional services.
 - [vii] Restaurants.
- [6] Live/work units are permitted provided no more than 50% of the gross square footage of the structure is utilized for professional or retail services.

(e) Density.

Allowable densities are set forth in Section 267-36C(2)(E).

(f) Site Design.

- [1] The project shall be designed with regard to establishing distinctive residential neighborhoods that are defined by special places and buildings rather than homogeneous housing types.
- [2] The project shall be designed to provide a variety of housing types and open space uses to achieve a balanced and integrated community. A variety of housing types are not required in the R1 district.
- [3] The project shall be designed with adequate buffers to minimize the visual impact of the proposed project to adjoining properties.
- [4] The project design and arrangement of buildings, streets, open space, landscaping and other elements should emphasize, enhance and incorporate scenic views, existing slopes, forests, geological features, wetlands, streams and other natural features of the site.
- [5] The project should be designed so that active recreational areas are suitably located and accessible to the residential dwellings and adequately screened to ensure privacy and quiet for adjoining residential uses.
- [6] The design of the development should be compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design, scale, bulk, building height and setbacks.
- [7] The site design shall provide for screening, sight breaks and buffers between the buildings on the site and adjacent buildings of different architectural styles.
- [8] The project shall be designed so that the traffic generated by the development does not have a significant adverse impact on the surrounding development.
- [9] To protect the public safety, the design of the project shall provide that all units be accessible to emergency vehicles by means of a paved surface or load-bearing way. The chairperson of the Development Advisory Committee shall establish standards and specifications for the paved surface or load-bearing way.

(g) Vehicular Circulation and Access.

- [1] The project should be designed so that off-street parking and garages are visually unobtrusive.
- [2] The project shall provide for a through network of roads that allows for circulation and community integration.
- [3] The project shall be designed so that when the on-street and off-street parking areas are in use, the access of emergency vehicles is not impeded.

(h) Open Space.

- [1] In a traditional neighborhood development, open space shall be provided as follows:

DISTRICT	MINIMUM OPEN SPACE (PERCENT OF PARCEL AREA)
R1	10%
R2	10%
R3 (for single-family attached or detached)	15%
R4 (for all other dwelling types)	20%
R4	20%

- [2] Recreational facilities shall be provided in each phase of development to meet the needs of the residents.
- [3] Open space areas shall be designed to accommodate a variety of activities and provide for the needs of different groups of individuals.
- [4] All open space shall be provided pursuant to Section 267-29A and B of this Part 1. The provisions of Section 267-29C shall not be applicable to a traditional neighborhood development.

(i) Specific Requirements.

Prior to or at the time of recordation of a plat for a traditional neighborhood development subdivision in the Land Records of the County, the owner shall also record all use and development restrictions that the subdivision is subject to under the approved preliminary plan. The subdivision restrictions shall be reviewed and accepted by the Department of Law prior to recordation to ensure that all lots created on the property will be subject to all the restrictions.

- (j) A pedestrian and bicycle circulation plan shall be provided indicating on-site amenities and linkages to adjacent sites.
- (k) Community Input.

Traditional neighborhood developments shall be subject to at least 2 advertised public informational meetings held by the developer.

- [1] The initial public information meeting shall solicit comments from the community regarding the site design, center function and community amenities. The developer of the traditional neighborhood development shall have draft concept plans for the site layout, proposed materials and illustrations of the architectural style proposed. This meeting shall be held prior to submittal of a site plan for review through the Development Advisory Committee.
- [2] The follow-up public meeting shall present more detailed site layout, circulation plans, draft landscaping and lighting plans. This meeting shall be held prior to approval of the site plan by the Department of Planning and Zoning.

ARTICLE VII
Design Standards for Special Developments
[Amended by Bill Nos. 82-54; 83-75; 84-13; 84-37; 86-29; 87-38; 95-31; 99-59;
00-10]

§ 267-42. Purpose.

The purposes of this Article are:

- A. To encourage innovations and design excellence in development and opportunities for affordable housing by permitting variety in type, design and layout of buildings.
- B. To provide opportunities for recreation and open space.
- C. To encourage efficient use of land and public services.
- D. To provide flexibility in land development and protection of sensitive environmental and agricultural features.

§ 267-43. Approval.

- A. [Amended by Bill Nos. 96-60; 98-36] Administrative approval. The following special developments shall be subject to review and approval by the Zoning Administrator:
 - (1) Conventional with open space (COS).
 - (2) Conservation development standards (CDS).
 - (3) Housing for the elderly (except when in the AG District).
 - (4) Mobile home subdivision (MHS) in the R3 and R4 Districts only. At the time of submission of an application for approval of an MHS, the property owner shall notify all adjacent property owners of the intent to develop an MHS. In considering the application for an MHS, the Zoning Administrator must consider the limitations, guides and standards outlined in § 267-9I.
 - (5) Flexible design development (FDD).
 - (6) Continuing care retirement community in the AG/MO District only.
 - (7) Garden and mid-rise apartment dwellings in the Rte. 40 CRD only. [Added by Bill 00-10]
 - (8) Nursing homes and assisted living facilities in the Rte. 40 CRD only. [Added by Bill 00-10]

- (9) Mixed use centers in the Rte. 40 CRD only. [Added by Bill 00-10]
- (10) ISCS under 40,000 square feet in the Rte. 40 CRD only. [Added by Bill 00-10]
- B. [Amended by Bill No. 98-36 and 04-51] Board approval. The following special developments shall be subject to approval of the Board pursuant to this section and § 267-9, Board of Appeals:
 - (1) Planned residential development.
 - (2) Mobile home park.
 - (3) The location on a parcel or portion thereof for an integrated community shopping center. The development plans for integrated community shopping centers shall be approved by the Zoning Administrator in accordance with this Article.
 - (4) The location on a parcel or portion thereof for a Rte. 40 CRD shopping center over 40,000 square feet. [Added by Bill 00-10]
 - (5) Retail/service/office uses in the RO district.
- C. Prior to approval by the Board of items in Subsection B(1) and (2), the Board shall determine that the proposed project complies with the development and design standards set forth herein and is consistent with the purpose of this section and the limitations, guides and standards noted in § 267-9I.
 - (1) The Board shall consider the report of the Zoning Administrator regarding the project's compliance with this section upon the applicant's submission of information as required in § 267-12A(2), Concept plan.
 - (2) The Zoning Administrator may approve modification or amendment of the project plan after Board approval upon a finding that the modification or amendments comply with the requirements of this section.
- D. Prior to approval of the location of an integrated community shopping center, the Zoning Administrator shall prepare a report regarding the project's compliance with the standards in § 267-9I, Limitations, guides and standards. To provide adequate information for this report, the Zoning Administrator may require the submission of a concept plan for the site, a traffic impact study, a market feasibility study and other information as needed to determine project compliance. The Board shall consider the report of the Zoning Administrator and specific recommendations contained therein in its decision regarding the location of a shopping center.
- E. Housing for the elderly and continuing care retirement communities located in the R1, R2, R3 or R4 District shall be subject to at least two advertised public informational meetings held by the applicant. [Added by Bill No. 98-36]

F. Agricultural/Commercial.

(1) General Provisions.

- (a) Must be approved by the Zoning Administrator.
- (b) The parcel is a minimum of 20 acres and is zoned and assessed agricultural and gross agricultural/commercial sales are at least \$15,000 annually.
- (c) Meets the specific criteria for the use.
- (d) Must be owner or tenant operated. Employees may include only family members living on the site and not more than the total of 160 equivalent employment hours by outside employees per week.
- (e) Must be approved to participate in the U.S. Department of Agriculture Commodity Credit Corporation Payment Limitation Program.
- (f) Safe and adequate access shall be provided for vehicular traffic, to be determined by the State Highway Administration or Harford County.
- (g) Hours of operation are permitted between 6:00 a.m. and 10:00 p.m. unless otherwise specified.
- (h) Any lighting shall be shielded and directed away from any off-site residence and may be used only during permitted hours of operation.
- (i) Buildings in which animals are housed shall comply with § 267-34D(1).
- (j) Setbacks for these uses shall be a minimum of 100 feet from any adjacent residential lot except for road frontage.
- (k) Written approval from the record owner is necessary if someone other than the record owner is operating the use.
- (l) Tenant farmer/tenant operator is an individual or business entity that is actively producing or managing livestock, crops or other agricultural products and is not the owner of the property being farmed. Agreement for this use is usually compensated by a contract for rent, lease or on a crop sharing basis.

(2) Amusements.

- (a) Commercial riding stables. Parking shall be a minimum of 100 feet from property lines except road frontage and 200 feet from any off-site residence.

- (b) Private parties and receptions.
 - [1] Unless located entirely within an enclosed building, this use shall not be located less than 100 feet from any lot line except road frontage and 200 feet from any off-site residence.
 - [2] Adequate parking shall be provided on-site and screened from any off-site residence.
 - [3] Hours of operation are not permitted between 12:00 midnight and dawn.
- (3) Industrial uses associated with agricultural uses as provided for in the use charts.
 - (a) Any new buildings or additions shall be located a minimum of 100 feet from any lot line except road frontage and 200 feet from any off-site residence. Existing buildings shall be exempt.
 - (b) Outside storage is permitted provided it is a minimum of 200 feet from any off-site residence and screened pursuant to § 267-28D.
- (4) Motor Vehicle.
 - (a) Commercial or construction vehicles and equipment storage used in the farming operation and owned by the farmer or tenant operator shall be located not less than 100 feet from any property line except road frontage and 200 feet from any off-site residence and screened pursuant to § 267-28D(2). The income produced through the use of these vehicles and equipment for other than farming operation shall not exceed more than 50% of the gross annual income of the farmer or tenant operator based on a calendar year.
 - (b) Farm vehicles and equipment storage and service.
 - [1] Farm vehicles or pieces of equipment may be located on the farm property.
 - [2] Storage of these vehicles or equipment for repair shall be a minimum of 200 feet from any off-site residence and screened pursuant to § 267-28D.
 - (c) School buses. School buses may be located on the property not less than 100 feet from any property line except road frontage and 200 feet from any off-site residence and screened pursuant to § 267-28D.
 - (d) Tenant farmer/tenant operator is an individual or business entity that is actively producing or managing livestock, crops or other agricultural products

and is not the owner of the property being farmed. Agreement for this use is usually compensated by a contract for rent, lease or on a crop sharing basis.

(5) Retail

(a) Feed and grain storage and sales

- [1] Adequate on-site parking shall be gravel covered and a minimum of 100 feet from any lot line except road frontage and 200 feet from any off-site residence.
- [2] Hours of operation are permitted between 6:00 a.m. and 10:00 p.m. unless otherwise specified.

(6) Services.

(a) Veterinary practice, large animals.

- [1] Hours of operation shall not be limited for this use.
- [2] Setback of 100 feet from any lot line except road frontage and 200 feet from any off-site residence.

(7) Restaurants.

- (a) Shall not have seating capacity to accommodate more than 30 patrons.
- (b) Any lighting shall be shielded and directed away from any off-site residence and may be used only during permitted hours of operation.
- (c) Adequate on-site parking shall be gravel covered and a minimum of 100 feet from any lot line except road frontage and 200 feet from any off-site residence.
- (d) Shall not be in operation between 10:00 p.m. and 7:00 a.m.

§ 267-44. Applicability. [Amended by Bill Nos. 96-60; 98-36; 04-51]

The development and design standards set forth in this Article shall regulate the following projects:

- A. Conventional development with open space (COS).

- B. Planned residential development (PRD).
- C. Conservation development standards (CDS).
- D. Integrated community shopping center (ICSC).
- E. Mobile home parks (MHP).
- F. Housing for the elderly
- G. Continuing care retirement community (CCRC).
- H. Mobile home subdivisions (MHS).
- I. Flexible design development (FDD).
- J. Mixed use centers in the Rte. 40 CRD. [Added by Bill 00-10]
- K. Nursing homes and assisted living facilities in the Rte. 40 CRD. [Added by Bill 00-10]
- L. Garden and mid-rise apartment dwellings (GMA) in the Rte. 40 CRD. [Added by Bill 00-10]
- M. Retail/service/office uses in the RO district.

§ 267-45. General design standards. [Amended by Bill No. 96-60]

The following general requirements shall be applicable to all projects developed under this Article:

- A. The protection of trees shall be considered in determining the location of open space and development areas.
- B. The project shall be designed to minimize earthmoving, erosion and the disturbance of environmentally sensitive features.
- C. The road system shall be designed as harmonious with the topography and adjacent public roads and designed to minimize through traffic in residential areas. A project developed as a flexible design development under Section 267-46.2 should be designed to allow for a network of roads which interconnect throughout the development.
- D. Parking areas shall be arranged to prevent through traffic to other parking areas and shall be screened from adjacent projects and through roads.

- E. The project shall be served by public water supply and public sewerage disposal unless developing under guidelines for the conservation development as in Section 267-46.1
- F. Lighting.
 - (1) All public roads and intersections and parking areas and areas of high pedestrian use shall be adequately lighted and arranged to direct light away from residences.
 - (2) Freestanding signs may be floor-lit or spotlighted, provided that such lights are not directed toward any road.
- G. All other requirements of this Part 1 shall apply. In the event of a conflict with other sections of this Part 1, the specific provisions of this Article shall apply.
- H. Projects developed under this Article shall be consistent with the subdivision regulations.

§ 267-46. Conventional development with open space (COS) and planned residential development (PRD).

- A. Eligibility. A COS shall have a minimum parcel size of fifteen (15), ten (10), five (5) and five (5) acres in the R1, R2, R3 and R4 Districts, respectively.
- B. Development standards.
 - (1) Permitted uses. The uses permitted in a conventional development with open space and planned residential development shall be those uses permitted in the appropriate district. Business uses in a planned residential development project developed in the R4 District are permitted, provided that such uses do not exceed one thousand (1,000) square feet of gross floor area for every one hundred (100) dwelling units.
 - (2) Density. Allowable densities are set forth in Section 267-36C(2)(e). [Amended by Bill No. 96-60]
 - (3) Site design.
 - (a) The project shall be designed with regard to the soils, topography and natural features of the parcel.
 - (b) All residential structures shall be sited so as to promote privacy and ensure natural light for all living areas.
 - (c) Permitted variations in yard setbacks are set forth in Section 267-23, Yards.
 - (d) Buildings near the periphery of the project shall be harmonious with neighboring areas and shall provide adequate transition in density and type or

shall provide a buffer yard as required in Section 267-28C, Buffer yard requirements.

- (e) No building shall be located within ten (10) feet of the road right-of-way, parking areas and project open space.
 - (f) Business uses in a planned residential development project developed in the R4 District shall be designed with their primary orientation to the project either as integrated with the attached dwelling units, consistent with the needs of the future residents or as an integrated community shopping center in § 267-48. Business uses shall occur within completely enclosed buildings. No freestanding signs advertising business uses shall be permitted.
- (4) Vehicular circulation and access.
- (a) The project roads shall be designed to provide a logical road network adequate for internal movement.
 - (b) The project must be directly accessible from one (1) or more existing or planned arterial or collector roads.
- (5) Open space. The open space shall be generally continuous, accessible to the residents and protective of natural features. In order to qualify for the density increase provided in the conventional development with open space and planned residential development, the following open space requirements shall be met:
- (a) In a conventional development with open space, open space shall be provided as follows:

<u>District</u>	<u>Minimum Open Space (percent of parcel area)</u>
R1	10%
R2	10%
R3 (single-family attached and detached)	15%
R3 (all other dwelling types)	20%
R4	20%

- (b) In a planned residential development, open space shall be provided as follows:

<u>District</u>	<u>Minimum Open Space (percent of parcel area)</u>
R3	20%
R4 (except high-rise)	25%
R4 (high-rise)	30%

- (c) All open space shall be provided pursuant to § 267-29, Open space.
- (6) Recreational facilities. Adequate recreational facilities shall be provided in each phase of development to meet the needs of the residents.
- C. Increase number of apartments. The permitted number of apartment dwellings may be increased on a sliding scale based upon the difference between nine hundred (900) square feet and the average dwelling unit size proposed, divided by nine hundred (900) square feet per dwelling unit. The resulting fraction shall be converted into the percentage increase allowed. Such permitted increase in apartment units shall not be considered in computing gross density.

§ 267-46.1. Conservation development standards (CDS).

- A. The provisions of these development standards may be applied to single-family detached subdivisions located within the county's agricultural zoned (AG) areas or areas zoned for rural residential (RR) development.
 - (1) In order for a parcel to be developed under conservation development standards, it must be a minimum of 35 acres in size.
 - (2) Allowable densities under conservation development standards shall be that set forth in Section 267-34 for properties zoned AG Agricultural and Section 267-35 for properties zoned RR Rural Residential.
 - (3) The developer shall submit a scaled drawing of the property. The drawing shall include the property boundaries, the general lot designs, road locations, forested areas, steep slopes, wetlands, streams and other sensitive areas. In addition, the drawing shall show the remaining agricultural use on the property including agricultural buildings, cropland and pasture areas.
- B. Design standards.
 - (1) Development shall be designed in a manner that will minimize the effect on cropland, pasture, forest and areas of other significant value.
 - (2) The existing forested and/or agricultural area to be retained should be determined with reference to the location of forested and agricultural land on adjacent properties so as to maintain contiguity where feasible.
 - (3) All land remaining outside the development, whether part of the created subdivision or platted and recorded separately, shall be subject to an easement in perpetuity in a form to be approved by the Department of Law and recorded in the land records of Harford County, Maryland, restricting any future development on that property. This includes lands used for continued agriculture, open space or required for additional

septic reserve easement areas. The easement shall not provide for public access to any privately-owned land. If future public necessity warrants, the property owner and the county may agree to amend the terms of the easement, subject to the following requirements:

- (a) The land may be developed only for a nonresidential use that is beneficial to the community, as specified in the amended easement.
 - (b) The agreement of the County Council shall be evidenced by legislative act of the Council; and
 - (c) An amended easement shall be effective only upon its recordation in the land records of the county.
- (4) Public roads shall be designed in a manner that is consistent with the Harford County Road Code and with the surrounding rural character.
- (5) Setbacks.
- (a) A minimum one hundred (100) foot setback shall be established along existing public roads (measured from the edge of the right-of-way) and along the adjacent property boundaries, and waterways. This setback may be reduced to fifty (50) feet from the edge of the right-of-way and along the adjacent property boundary if the area within the fifty (50) feet contains existing forest and that forest is retained and designated as an undisturbed forest buffer area and, if necessary supplemental landscaping is provided to adequately screen the proposed development from the public road. Lots may be located within the fifty (50) foot setback provided that no structures are located within this area.
 - (b) A minimum one hundred (100) foot setback shall be established along the entire developed property adjacent to an active farm to protect that farming operation from the residential development. This setback may be reduced to fifty (50) feet from the edge of the developed property boundary if the area within the fifty (50) feet contains existing forest and that forest is retained and designated as an undisturbed forest buffer area, and if necessary, landscaping is provided to screen and protect that development from the adjacent farming operation.

§ 267-46.2. Flexible design development for residential districts. [Added by Bill No. 96-60]

- A. Purpose. To provide for flexibility in modifying housing types and site design standards. To allow innovative designs that foster a sense of community.

B. Objectives.

- (1) To promote the concept of community through the design of a variety of housing types and the development of adequate open space.
- (2) To encourage design flexibility in housing types and the architectural style of buildings within the development.
- (3) To assure compatibility of the proposed land uses with internal and surrounding uses by incorporating different standards of land planning and site design than could be accomplished under conventional zoning categories.
- (4) To provide for an enriched and enhanced natural environment in a community by the preservation of trees, natural topographic and geological features, wetlands, watercourses and open space.
- (5) To encourage development in a phased or staged fashion to ensure the adequacy of the provision of public facilities and the concurrent implementation of community amenities.

C. Eligibility. A FDD shall have a parcel size of 15, 10, 5 and 5 acres in the R1, R2, R3 and R4 District, respectively.

D. Development standards.

- (1) Permitted uses. The following uses shall be permitted:
 - (a) Residential uses shall be entitled to be developed under flexible design standards. Permitted uses include single family detached dwellings, single family attached dwellings and multiple family dwellings.
 - (b) The following open space uses shall be permitted in conjunction with the residential development: community parks; recreational facilities and playgrounds; bicycle paths; greens and squares; or linkages to regional recreation and open space systems.
 - (c) Institutional uses that are permitted within the R1, R2, R3 and R4 District may be incorporated within a flexible design development.
- (2) If the Zoning Administrator approves the lot standards, building types, yard and building setbacks, parking, street requirements and any other design requirements necessary for development of the project, the approved standards and requirements shall be enforceable as any other standard or requirement of this Part 1.
- (3) Density. Allowable densities are set forth in Section 267-36C(2)(E).

(4) Site design.

- (a) The project shall be designed with regard to establishing distinctive residential neighborhoods that are defined by special places and buildings rather than homogenous housing types.
- (b) The project shall be designed to provide a variety of housing types and open space uses to achieve a balanced and integrated community. A variety of housing types are not required in the R1 District.
- (c) The project shall be designed with adequate buffers to minimize the visual impact of the proposed project to adjoining properties.
- (d) The project design and arrangement of buildings, streets, open space, landscaping and other elements should emphasize, enhance and incorporate scenic views, existing slopes, forests, geological features, wetlands, streams, and other natural features of the site.
- (e) The project should be designed so that active recreational areas are suitably located and accessible to the residential dwellings and adequately screened to ensure privacy and quiet for adjoining residential uses.
- (f) The design of the development should be compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design, scale, bulk, building height, and setbacks.
- (g) The site design shall provide for screening, sightbreaks and buffers between the buildings on the site and adjacent buildings of different architectural styles.
- (h) The project shall be designed so that the traffic generated by the development does not have a significant adverse impact on the surrounding development.
- (i) To protect the public safety, the design of the project shall provide that all units be accessible to emergency vehicles by means of a paved surface or load-bearing way. The Chairperson of the Development Advisory Committee shall establish standards and specifications for the paved surface or load-bearing way.

(5) Vehicular circulation and access.

- (a) The project should be designed so that off-street parking and garages are visually unobtrusive.
- (b) The project shall provide for a through network of roads that allows for circulation and community integration.

- (c) The project shall be designed so that when the on-street and off-street parking areas are in use, the access of emergency vehicles is not impeded.
- (6) Open space.
 - (a) In a flexible design development open space shall be provided as follows:

<u>District</u>	<u>Minimum Open Space (percent of parcel area)</u>
R1	10%
R2	10%
R3 (For single family attached or detached)	15%
R4 (For all other dwelling types)	20%
R4	20%
 - (b) Adequate recreational facilities shall be provided in each phase of development to meet the needs of the residents.
 - (c) Open space areas shall be designed to accommodate a variety of activities and provide for the needs of different groups of individuals.
 - (d) All open space shall be provided pursuant to Section 267-29A and B of this Part 1. The provisions of Section 267-29C shall not be applicable to a flexible design development.
- (7) Specific requirements. Prior to or at the time of recordation of a plat for a flexible design development subdivision in the land records of the county, the owner shall also record all use and development restrictions that the subdivision is subject to under the approved preliminary plan. The subdivision restrictions shall be reviewed and accepted by the Department of Law prior to recordation to ensure that all lots created on the property will be subject to all the restrictions.

§ 267-46.3. Garden and Mid-Rise Apartment Dwellings (GMA). [Added by Bill 00-10]

- A. Purpose. To provide for development of multi-family dwelling unit projects as a part of the Rte. 40 CRD in the B3 and R4 zoning districts.
- B. Objectives.
 - (1) To provide opportunity for new residential and mixed use development in the Rte. 40 CRD.
 - (2) To encourage quality design and incorporation of limited business uses within a single development.

- (3) To assure compatibility of the proposed land uses with internal and surrounding uses.
- C. Eligibility. A GMA subject to this section shall be located within the Rte. 40 CRD.
- D. Development Standards.
 - (1) Permitted uses. The following uses shall be permitted:
 - (a) Garden apartments.
 - (b) Mid-rise apartments. In the R4 district, retail and service uses may be incorporated into the overall project for up to 30% of the gross square footage. Business uses shall be located on only the first floor of any building. No more than one restaurant or bar shall be permitted per project. Freestanding signs advertising the business uses shall be limited to 120 square feet in size per project.
 - (2) Parcel Size. The parcel shall have a minimum parcel area of not less than 5 but shall be no more than 15 acres.
 - (3) Permitted density. The density of a GMA shall not exceed 20 dwelling units per acre for mid-rise apartments, and the maximum building coverage shall be 40% of the total parcel for mid-rise apartments.
 - (4) Access. Primary access to the GMA site shall be from U.S. Route 40.
 - (5) Design. The proposed project shall be designed with buildings which are compatible and harmonious with surrounding uses. Efforts shall be made to minimize the impact and maximize the aesthetics to adjoining or surrounding properties. The design shall provide for adequate buffers.
 - (6) Open Space. The open space shall constitute at least 35% of the parcel area, of which at least 40% shall be suitable for and devoted to active recreation. The open space requirements shall have public access and at the discretion of the Director of Parks and Recreation, be dedicated to Harford County Parks and Recreation when appropriate. The project should be designed so that active recreational areas are suitably located and accessible to the residential dwellings and adequately screened to ensure privacy and quiet for adjoining residential uses.
 - (7) Landscaping. Any area not used for buildings, structures or parking shall be landscaped and properly maintained.
 - (8) Community Input. Garden and mid-rise apartments shall be subject to at least two advertised public informational meetings held by the developer.

- (a) The initial community input meeting shall solicit comments from the community regarding the site design, center function and community amenities. The developer of the GMA shall have draft concept plans for the site layout, proposed materials and illustrations of the architectural style proposed. This meeting shall be held prior to submittal of a site plan for review through the Development Advisory Committee.
- (c) The follow-up community meeting shall present more detailed site layout, circulation plans, draft landscaping and lighting plans. This meeting shall be held prior to approval of the site plan by the Department of Planning and Zoning.

§ 267-46.4. Nursing Homes and Assisting Living Facilities. [Added by Bill 00-10]

These uses may be granted in the R2, R3, R4, B2, B3 and CI Districts in the Rte. 40 CRD, provided that:

- A. A minimum parcel area of 5 acres is established and a maximum building coverage of 40% of the parcel is provided.
- B. The setbacks of the district for institutional uses shall be met.
- C. The density shall not exceed 20 beds per acre of the parcel.
- D. In the CI District, consideration shall be given to protection of the residents from impacts of nearby industrial uses:
 - (1) To minimize exposure to noise and other emissions from roads, parking areas and industrial activities, outdoor active and passive recreation areas shall be screened with a combination of evergreen and deciduous trees that are at least six feet high at the time of planning.
 - (2) Before opening the facility, its operator shall file emergency evacuation and sheltering plans for the facility with the Emergency Operations Division and the three closest volunteer fire and ambulance companies; and
 - (3) The Zoning Administrator may deny an application if the proposed facility would be located near an industrial use that constitutes a potential hazard to the residents.
- E. Community input. Nursing homes and assisted living facilities shall be subject to at least two advertised public informational meetings held by the developer.

- (1) The initial public informational meeting shall occur in the proposed community, with representatives from the Department of Planning and Zoning present, and shall solicit comments from the community regarding the site design, center function and community amenities. The developer shall have draft concept plans for the site layout, proposed materials and illustrations of the architectural style proposed. This meeting shall be held prior to submittal of a site plan for review through the Development Advisory Committee.
- (2) The follow-up public meeting shall present more detailed site layout, circulation plans, draft landscaping and lighting plans and shall include representatives from the Department of Planning and Zoning. This meeting shall be held prior to approval of the site plan by the Department of Planning and Zoning.

§ 267-46.5. Mixed Use Center. [Added by Bill 00-10]

- A. Purpose. To provide opportunities and incentives for high quality mixed use development that creates a synergy of uses, attractive and efficient design and a reduction of vehicle miles traveled by locating a variety of uses in one location in the B2, B3, CI and R4 zoning districts within the Rte. 40 CRD only.
- B. Objectives.
 - (1) To encourage orderly, staged development of comprehensively designed mixed use centers.
 - (2) To create a mixture of office, retail, recreational, hotel and residential uses within a single structure or within multiple structures, but physically and functionally integrated and related structures and open spaces, while protecting the residential character of surrounding neighborhoods.
 - (3) To provide for an enriched and enhanced natural environment by the preservation of trees and the incorporation of stormwater management techniques which maintain the hydrologic regime of the site.
 - (4) To assure compatibility of the proposed land uses with the internal and surrounding uses by incorporating innovative standards of land planning and site design.
 - (5) Encourage harmonious and coordinated development of sites, considering the existing natural features, pedestrian and vehicular circulation and compatibility with surrounding uses.

- (6) Encourage development that is of excellent design and architecture with a mix of uses that will create a synergy of uses, efficiency of design and a reduction of vehicle miles traveled.

C. Eligibility.

- (1) In order for a project to utilize the mixed use center development standards, the property must be located in the B2, B3, CI or R4 zoning districts within the Rte. 40 CRD as defined in Section 267-41.2C.
- (2) Any project utilizing the mixed use center development standards must utilize public water and sewer.

D. Development Standards

(1) Permitted Uses.

- (a) All uses permitted by the underlying zoning district and all permitted uses as amended by the Rte. 40 CRD.
- (b) Mix of Uses. The following percentage of floor area proposed on site as shown on all plans shall not exceed the following:

Residential Uses	50%
Service Uses	75%
Retail Trade	50%
Institutional	50%
Industrial	50%
Motor Vehicle/Related	25%
Warehousing, Wholesaling	25%
All Other Uses	25%

Individual percentages may be exceeded at the discretion of the Zoning Administrator subject to proof of good cause and benefit to the community.

(2) Site Design.

- (a) The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.
- (b) The project shall be designed with regard to the topography and other natural features of the parcel.

- (c) Site design shall incorporate elements that foster community interaction, including but not limited to, outside plazas and eating areas; focal points such as a pond, fountain; public art or other amenities that generally serve the public.
 - (d) The mixed use center may include the subdivision of individual building sites or the creation of lease spaces for freestanding buildings. The project must function as a cohesive commercial center with pedestrian linkages between the buildings. The architecture, site design, lighting and signage of the freestanding sites shall incorporate consistent design and theme elements, such as pedestrian courtyards.
 - (e) Minimum yard requirements. As specified in the underlying zoning district and as modified by Section 267-41.2E of the Rte. 40 CRD.
 - (f) Maximum height requirement. As specified in the Rte. 40 CRD.
- (3) Building design. An architectural rendering of the building façade and elevations of the structures shall be submitted to the Department of Planning and Zoning as part of the site plan approval process. The rendering shall demonstrate how the project will meet the following standards and objectives:
- (a) Materials, massing and façade design for the project shall be harmonious with the character of the neighborhood. The style of the buildings should incorporate design elements prevalent in the community such as width, roof line, pattern, size, shape, heights and facing windows.
 - (b) The patterns for placement of windows and doors and use of traditional designs elements such as façade offsets, covered porticoes, recessed or projected entries and other appropriate architectural features and details is encouraged to provide relief to buildings over 40 feet in length or width.
 - (c) Architecturally harmonious materials, colors, textures and treatments should be used for all exterior walls. Contrasting colors that accent architectural details and entrances are encouraged. Preference shall be given to brick or frame buildings with the use of architectural grade (high profile dimensional) shingles and standing seam metal roofs as a unifying element. Rear facades shall be of finished quality and shall be consistent in color with the rest of the building.
- (4) Signage. Signage for a mixed use center shall be considered an integral part of the center design and shall incorporate the architectural elements and materials utilized for the mixed use center. The Sign Code provisions provided for in Chapter 219 of the Harford County Code that conflict with the following are not applicable to uses within the mixed use center in the Rte. 40 CRD. In all instances, consideration shall

be taken to ensure each sign does not restrict sight distance for motor vehicle operators.

- (a) An overall signage plan and architectural renderings of the signs shall be submitted as part of the site plan approval process. The signage shall be compatible in quality, style, color and materials to the buildings in the mixed use center. Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.
 - (b) Freestanding identification signs shall be limited to one sign for each road frontage. The maximum size of any sign shall not exceed one square foot for each foot of road frontage or 120 square feet, whichever is smaller. The maximum height of the signs shall not exceed 20 feet measured from the base of the sign, and signs must be set back a minimum of 10 feet from the road right of way line.
 - (c) One sign containing a directory of occupants is permitted for each entrance to the mixed use center. Such directory signs shall be limited to 120 square feet in size and 15 feet in height and shall be set back a minimum of 10 feet from the road right of way line. Ground spot lighting or back-lit lighting is recommended for directory signs. If interior lighting is used, sign face material must be opaque with translucent individual letters.
 - (d) Signs to identify the use of an occupant shall be designed as part of the architectural design of the building and attached thereto.
 - (e) Directional information signs shall be adequately provided and design coordinated.
 - (f) One freestanding sign shall be permitted for each pad site. Such signs shall not exceed 50 square feet in size and stand no taller than 8 feet.
 - (g) The following types of signs shall not be permitted in a mixed use center:
 - [1] Billboards.
 - [2] Flashing, revolving, rotating or changing-light-intensity or changing-color signs.
 - [3] Temporary or portable signs.
- (5) Vehicular and pedestrian access, parking and circulation. All circulation plans, lighting, landscaping and bufferyard plans must be submitted with the preliminary plan application.

- (a) Parking may be provided as per the Harford County Zoning Code or as modified per Section 267-41.2N of the Rte. 40 CRD regulations; or
- (b) Parking requirements in a mixed use center may be calculated by the use of the following chart. This chart takes into account that different uses have their peak parking generation periods at different times and sharing of parking spaces may be used.

USE	WEEKDAY		WEEKEND		
	DAY 6AM TO 6 PM	EVENING 6PM TO 12 MID	DAY 6AM TO 6PM	EVENING 6PM TO 12 MID	NIGHT TIME 12 MID TO 6AM
Industrial	100%	10%	10%	5%	5%
Retail and Service	60%	90%	100%	70%	5%
Hotels	75%	100%	75%	100%	75%
Restaurants	50%	100%	100%	100%	10%
Movie Theaters	40%	100%	80%	100%	10%
All Other Uses	100%	100%	100%	100%	100%

Using the parking requirements from the Harford County Zoning Code, the highest parking requirement for any given time period is calculated using the chart above. This requirement becomes the parking requirement for the nonresidential uses in the mixed use center. All requirements for shared parking per Section 267-41.2O of the Rte. 40 CRD shall be addressed in any mixed use center utilizing shared parking. Residential parking requirements shall be determined from the parking requirements in the Harford County Zoning Code.

- (c) The Zoning Administrator may approve the use of landscaped pavers or other pervious material for a portion of the required parking not to exceed 25% of the total parking.
- (d) Pedestrian circulation plan. Each mixed use center shall provide a pedestrian circulation plan identifying improvements that are reviewed and approved by the Department of Public Works and accomplish the following:
 - [1] Minimizes conflict between pedestrians and moving motor vehicles.
 - [2] Channelizes pedestrian flows to crossing areas and delineates paths across major roadways through the use of striping and signage.

- [3] Creates safe and convenient pedestrian paths from all parking areas to the buildings and between the buildings through the use of landscaped buffer areas, islands, walkways, cross walks and traffic control devices.
 - [4] Connects internal pedestrian walkways to existing walkways and/or makes provisions for connection to future site walkways.
 - [5] Provides convenient and safe access to surrounding residential neighborhoods and commercial areas.
- (e) Vehicular circulation plan. Each mixed use center shall provide a vehicular circulation plan identifying improvements that accomplish the following:
- [1] At principal vehicular access points: Service drives, turnout lanes, traffic separation devices and merging lanes may be required based on the anticipated flow of traffic. Such service drives or turn-out and merging lanes may be allowed as part of the required yard adjacent to a collector or arterial street. No such service drive or lane, and no vehicular entrance or exits, shall be counted as part of any required landscaped area.
 - [2] Loading and service areas. Loading and service areas shall be separated from the pedestrian and customer parking areas. Service areas shall be located away from roadways to the greatest extent possible. If exposed to view, due to unusual site conditions, service areas shall be screened from public view to the greatest extent possible.
- (6) Lighting. Each mixed use center shall provide a lighting plan identifying the following:
- (a) A description of the type and location of lighting fixtures and the light intensity and shielding provisions to be used.
 - (b) The lighting fixtures shall be designed to assure compatibility with the building style.
 - (c) Lighting shall be designed, installed and maintained in a manner not to cause a glare or reflection on adjacent residential lots.
- (7) Landscaping and bufferyards. Each mixed use center shall provide a landscaping and bufferyard plan identifying the following:
- (a) Mixed use centers shall include a minimum of 20% of the parcel area preserved as vegetated open space. The bufferyards, landscaped parking islands, building and perimeter landscaping shall be included in the calculation

of open space, so long as a minimum width of 10 feet is maintained. Vegetated stormwater management facilities shall be included in the calculation of open space.

- (b) All parking lots, loading areas and outdoor storage areas shall be separated with bufferyards from any adjacent roads and residential districts. The width of the buffer may be varied based on the height, density and aesthetics of the screening measures proposed in accordance with the following standards:

SCREENING MEASURES	WIDTH OF BUFFERYARD
Vegetation less than 6 feet	50
Vegetation exceeding 6 feet	30
Solid fence or wall 6 feet in height	20

- (c) Facilities for refuse disposal shall be enclosed by solid fence or walls and landscaping shall be installed around the perimeter.
- (d) Existing significant trees shall be retained and incorporated into the landscaping and site design to the greatest extent practicable. Relocation of existing trees and shrubs from alternative sites is encouraged.
- (e) Landscape amenities and materials shall be of high quality.
- (f) Island and other landscaping alternatives such as planting trees shall be incorporated into parking areas to add visual interest. The use of islands and perimeter gardens designed and landscaped to serve as bioretention facilities is encouraged.
- (g) For individual lots subdivided within a mixed use center, the bufferyard and screening requirements shall apply only to the perimeter of the center and shall not be applicable internally between uses on adjacent lots developed within the center. Where individual lots are established within a mixed use center, the onsite landscaping shall be consistent with the materials and themes established for the overall center.

E. Community Input. Mixed use centers shall be subject to at least two advertised public informational meetings held by the developer.

- (1) The initial public information meeting shall solicit comments from the community regarding the site design, center function and community amenities. The developer of the mixed use center shall have draft concept plans for the site layout, proposed materials and illustrations of the architectural style proposed. This meeting shall be held prior to submittal of a site plan for review through the Development Advisory Committee.

- (2) The follow-up public meeting shall present more detailed site layout, circulation plans, draft landscaping and lighting plans. This meeting shall be held prior to approval of the site plan by the Department of Planning and Zoning.
- F. Modifications. The Zoning Administrator may approve modifications to the approved plans for the mixed use center, provided that the overall theme and intent of the project remains intact. Should modifications constitute a substantial change to the project, the Zoning Administrator may require the Applicant to hold additional public meetings and/or may require the Development Advisory Committee review the amended project.

§ 267-47. Integrated community shopping center (ICSC).

A. Development standards.

- (1) Permitted uses. The uses permitted shall be those permitted in the appropriate district.
- (2) Site design.
 - (a) The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.
 - (b) The project shall be designed with regard to the topography and other natural features of the parcel.
 - (c) Materials, massing and facade design for the project shall be harmonious with the character of the neighborhood.
 - (d) Outside storage shall be limited as applicable in the appropriate district.
- (3) Vehicular circulation and access.
 - (a) The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.
 - (b) Safe pedestrian movement shall be considered in the vehicular plan.
- (4) Loading and service areas.
 - (a) All establishments must have vehicular service access, either from an individual service drive or from a common service yard.
 - (b) All such service areas must be segregated from public areas and screened from public view.

- (c) Establishments over ten thousand (10,000) square feet in area must have loading berths at the rate of one (1) berth per twenty thousand (20,000) square feet or part thereof.
- (5) Landscaping.
 - (a) Any part of a lot not used for buildings or other structures, or paved for off-street parking, loading and maneuvering areas, drives and pedestrian walks or incidental outside storage, shall be landscaped and properly maintained.
 - (b) All parking lots, loading areas and outdoor storage areas shall be separated with buffer yards of at least twenty-five (25) feet from any adjacent roads and residential districts.
- (6) Signage.
 - (a) Freestanding identifying signs shall be limited to one (1) sign for each road frontage, one (1) sign for each entrance to the integrated community shopping center and one (1) directory of occupants for each entrance to the integrated community shopping center.
 - (b) Signs to identify the use of an occupant shall be designed as part of the architectural design of the building and attached thereto.
 - (c) Directional information signs shall be adequately provided and design coordinated.
 - (d) The following types of signs shall not be permitted in an integrated community shopping center:
 - [1] Billboards.
 - [2] Any form of sign advertising a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot, except that the directory of occupants of the integrated community shopping center is not included in this prohibition.
 - [3] Flashing, revolving, rotating or changing-light-intensity or changing-color signs.
- B. Specific design requirements. An integrated community shopping center (ICSC), as defined in § 267-4, shall meet the following requirements:
 - (1) Minimum road frontage of three hundred (300) feet.
 - (2) Maximum building coverage not to exceed:

- (a) District B1: thirty-five percent (35%).
 - (b) District B2: forty percent (40%).
 - (c) District B3: forty-five percent (45%).
- (3) Maximum impervious surface not to exceed:
- (a) District B1: eighty percent (80%).
 - (b) District B2: eighty-five percent (85%).
 - (c) District B3: eighty-five percent (85%).
- (4) No building shall be within forty (40) feet of the public road rights-of-way or ten (10) feet of parking areas.
- (5) No building shall be less than thirty (30) feet from the parcel boundary nor fifty (50) feet from an adjacent residential district.

§ 267-47.1. Retail/service/office uses in the RO district. [Added by Bill No. 04-51]

- A. Purpose. To provide opportunities for conversion of existing residential structures or the development of new structures for retail, service and office uses in predominantly residential areas. The purpose of these development standards are to ensure that the structures and uses developed are compatible and in harmony with the neighboring residential communities.
- B. Development standards.
- (1) Design. An architectural rendering of the building facade and elevations of the structure shall be submitted to the Board. The rendering shall demonstrate how the project meets the following standards and objectives:
- (a) Redevelopment of existing residential structures. Redevelopment of existing residential structures shall be permitted provided that any physical modification is compatible and in harmony with the neighboring residential communities relative to architectural design, scale, building height and the materials used in construction.
 - (b) Development of new buildings. New buildings developed for retail, service and office uses shall be designed to be compatible and in harmony with the neighboring residential communities relative to architectural design, scale, building height and the materials used in construction. Elements to be considered in determining compatibility with neighboring residential

communities shall include massing and building materials as well as cornice lines, window lines, roof pitch and entry.

- (c) Design requirements. See Design Table VIIA.
- (2) Maximum building coverage. The maximum building coverage shall be 40% of the lot, and the maximum impervious surface shall be 65% of the lot.
- (3) Use limitations. The uses permitted under this section shall comply with the following:
 - (a) Enclosed building. All uses permitted shall be conducted within an enclosed building, except parking, loading, unloading or as otherwise permitted.
 - (b) Storage restriction. The outside storage of material or equipment shall not be permitted.
 - (c) Screening requirements. Parking, loading, unloading or other outdoor activity shall be screened from adjacent residential lots. Screening shall consist of landscaping, walls or solid fencing at least 6 feet high which shall be continuous to prevent visibility of the area.
 - (d) Hours of operation. Uses shall only be permitted to operate between the hours of 6:00 a.m. and 10:00 p.m., inclusive.
- (4) Landscaping. The landscaping shall, to the extent possible, preserve unique features and mature vegetation, especially large trees. Lawn and landscaped areas shall be maintained to preserve the residential character of the area. Landscaped buffer yards shall be planted in harmony with adjoining residences and in accordance with §267-28 of this chapter. A landscaping plan shall be submitted to the Board for review and approval.
- (5) Outside lighting. Outside lighting shall be so shaded, shielded, directed or maintained so that the lighting does not cause a glare or reflection on adjacent residential lots.
- (6) Ingress and egress. any ingress or egress to the site shall be designed to provide the safest means of traffic flow.

§ 267-48. Mobile home park (MHP).

- A. Eligibility. A mobile home park shall be at least ten (10) acres and located in an R3 or R4 District.
- B. Development standards.

- (1) Permitted uses.
 - (a) This project may include mobile homes of single or multiple width, single-family detached homes or any combination thereof, but shall not include recreational vehicles or travel trailers.
 - (b) Any project containing more than one hundred (100) dwelling units shall provide a community meeting room and an enclosed recreation area containing a minimum of twenty (20) square feet of gross floor space per dwelling unit. A sales and management office and a convenience goods store, not to exceed five (5) square feet of gross floor space per dwelling unit, may be maintained within the same structure.
- (2) Density. The maximum density shall be five and zero-tenths (5.0) units per gross acre in an R3 District and six and five-tenths (6.5) units per gross acre in an R4 District.
- (3) Site design.
 - (a) All dwelling units shall be sited with regard to the topography, soils and natural features of the parcel.
 - (b) All dwelling units shall be sited to promote privacy and ensure natural light for all principal rooms.
 - (c) No structure shall be less than fifty (50) feet from the property lines of the project, and a buffer yard twenty (20) feet in width shall be provided along all property lines at the periphery of the project.
 - (d) A landscaping plan shall be submitted, which shall enhance the privacy and the visual quality of individual units and the project.
- (4) Vehicular circulation.
 - (a) Any dedicated public right-of-way shall be at least fifty (50) feet wide. The right-of-way for private roads may be reduced to forty (40) feet. The pavement width of interior roads, whether intended to be public or private, shall be a minimum of twenty-six (26) feet. In the event that off-street parking is provided, this may be reduced to twenty (20) feet where on-street parking is prohibited and the roadway serves not more than twenty (20) dwelling units.
 - (b) The long side of a dwelling unit may not be located within twenty-five (25) feet of the right-of-way of any interior road, and the end (or short side) of a dwelling unit may not be located within fifteen (15) feet of the same. Not more than six (6) homes in a row shall have the same setback. Such setbacks shall differ by at least six (6) feet.

(5) Parking.

- (a) There shall be two (2) parking spaces, measuring at least nine by eighteen (9 x 18) feet, for each dwelling unit.
- (b) The required parking spaces may be located within the required front yard area of individual lots. If group parking areas are used, these areas shall be arranged so as to prevent through traffic to other parking areas and shall be screened from adjacent projects and public roads.

(6) Open space and recreation.

- (a) Twenty percent (20%) of the parcel area shall be reserved as open space or buffer yards.
- (b) Adequate recreation facilities shall be provided in each phase of development to meet the needs of the residents.

C. Specific design requirements.

(1) Area requirements:

- (a) Minimum parcel size: ten (10) acres.
- (b) Minimum road frontage: two hundred (200) feet
- (c) Minimum dwelling unit lot area: five thousand (5,000) square feet for an R3 District and four thousand five hundred (4,500) square feet for an R4 District.
- (d) Minimum lot width: fifty (50) feet for an R3 District and forty-five (45) feet for an R4 District.
- (e) Maximum impervious surface ratio: forty-five percent (45%).

(2) Setback requirements.

- (a) Front setback: thirty-three (33) feet from the center line of unreserved right-of-way or twenty (20) feet from the public right-of-way.
- (b) Rear setback: twenty (20) feet; ten (10) feet when adjacent to open space.
- (c) Side setback: ten (10) feet on side, total of twenty (20) feet.
- (d) Minimum spacing between any two (2) units: twenty (20) feet.

§ 267-49. Housing for the elderly. [Amended by Bill No. 98-36; 02-8;04-46; 05-03]

A. Eligibility. Housing for the elderly shall have the following eligibility requirements:

- (1) In the B3 and CI Districts, the minimum lot size shall be 10 acres. In the R1, R2, R3, R4, VR and VB Districts, the minimum lot size shall be 4 acres.
- (2) Where such a project cannot be served by public water supply and public sewage disposal systems, water supply and sewage disposal adequate to meet the needs of the residents shall be provided in a system approved by the County Health Department.

B. Development standards.

- (1) Permitted uses. The accessory uses permitted in a housing-for-the-elderly project may include convenience goods stores, personal services, professional services, restaurants, health services and medical clinics. Common activity areas, including the above uses, and other areas serving the collective needs of the residents shall not exceed 100 square feet per dwelling unit. Permitted housing types shall include townhouse dwellings, patio/court/atrium dwellings, multiplex dwellings, garden apartment dwellings and mid-rise apartment dwellings.
- (2) Density. The maximum density shall be 7 units per gross acre in R1 and R2 Districts, 14 units per gross acre in the R3, R4, B3 and CI Districts and 5 units per acre in the VR and VB Districts. In the AG/MO District, the maximum density shall be 14 units per gross acre. No more than 300 units shall be permitted in any such project.
- (3) Site design.
 - (a) The project shall be designed with regard to soils, topography and natural and historic features of the parcel.
 - (b) All residential structures shall be sited so as to promote privacy and security and to ensure natural light for all living areas.
 - (c) Buildings near the periphery of the project shall be harmonious with neighborhood areas and shall provide adequate transition in density and type or shall provide a buffer yard as required in §267-28C. In the CI and B3 Districts, a buffer yard 20 feet wide shall be provided.
 - (d) No building shall be located within 10 feet of the private road right-of-way and parking areas.
 - (e) Business uses in housing for the elderly shall be designed with their primary orientation to the project and integrated with the dwelling units consistent with the needs of the future residents. Business uses shall occur within completely

enclosed buildings. No freestanding signs advertising business uses shall be permitted.

- (4) Vehicular circulation and access.
 - (a) The project roads shall be designed to provide a logical road network adequate for internal movement.
 - (b) The project must be directly accessible from one or more existing or planned arterial, collector or primary residential roads.
 - (c) Particular attention shall be given to providing safe conditions for both pedestrian and vehicular movements.
 - (d) Adequate access shall be provided for emergency vehicles and personnel.
 - (e) Internal roads may be designed and constructed as private roads in accordance with the private road standards established in the Harford County Subdivision Regulations.
- (5) Open space. The open space shall be generally continuous, accessible to the residents and protective of natural features. At least 50% of the total parcel area shall be in open space.
 - (a) Recreational facilities. Adequate recreational facilities shall be constructed in each phase of development to meet the needs of the residents. The developer shall provide a schedule for the installation of the facilities at the time the project is approved.
 - (b) The active recreation space shall be a minimum of one-half acre and may include indoor and outdoor facilities designed to provide opportunity and encouragement for physical activity. The required active open space may be reduced by the Zoning Administrator based upon the specific program proposed by the developer.
- (6) Minimum conditions and covenants regarding age restrictions:
 - (a) The following conditions and covenants are required, at a minimum, to be contained in deeds of covenants, conditions and restrictions to be recorded at the time that a plat for the housing for the elderly development is recorded:
 - [1] The project is intended to constitute housing intended and operated for occupancy by at least one person 55 years of age or older per unit, to the extent required by the housing for older persons act of 1995 and Section 807(b)(2)(c) of the Fair Housing Act (42 U.S.C. 3607(b)(2)(c)) (the "Fair Housing Act").

- [2] Subject to the provisions of paragraph [6] below, and exceptions otherwise authorized and approved by the Board, each unit must be occupied by at least one resident who is 55 years of age or older.
- [3] Residents under 19 years of age or younger are not permitted unless such person is (I) necessary to provide a reasonable accommodation to a handicapped resident, or (II) is a handicapped dependent of a resident, only to the extent permitted and/or required by the provisions of the Fair Housing Act.
- [4] Guests of owners or residents who are under 19 years are permitted to stay in the unit for periods of time not to exceed a total of 60 calendar days for each such guest in any one calendar year (with each calendar year being measured from January 1st through December 31st of any given year).
- [5] Nothing contained herein shall be deemed to prohibit the daily visitation by persons not otherwise permitted to occupy a unit (including persons under 19 years of age who are family members or guests of the owner or occupant of a unit), provided such visitation shall not be for a period of more than 72 continuous hours.
- [6] Subject to the provisions of the Fair Housing Act, a surviving spouse of an owner or resident who was 55 years of age or older may retain the occupancy of the unit without regard to the age of the surviving spouse provided, however, that the continued occupancy of the surviving spouse does not violate the requirements of the Fair Housing Act that at least 80% of the units be occupied by a person who is 55 years of age or older. In the event that less than 80% of the units are occupied exclusively persons who are 55 years of age or older, the owners or residents may be required by the entity named in the covenants and restrictions as having such authority (hereinafter referred to as "The Board") to vacate the units in order to comply with the requirements of the Fair Housing Act. In the event that the Board requires that an owner or resident vacate their unit, the owner or resident must vacate within 180 days from the date of death or permanent absence of the qualifying 55 year old resident.
- [7] The Board shall have the authority to adopt such rules and regulations as it may deem necessary or desirable to implement the foregoing restrictions and to ensure that the property otherwise complies with the Fair Housing Act and any corresponding state or local law or ordinance (and any regulations promulgated thereunder). In the event that the exemptions relating to "Housing For Older Persons" under the "Fair Housing Act or any state or local law or ordinance, as applied to the

[property, shall be modified, expanded, supplemented, clarified, defined, explained and/or limited, the Board shall have the authority to adopt rules and regulations modifying such restrictions to the extent deemed necessary or desirable by the Board in response thereto provided, however, that no such rule or regulation shall cause or allow the property to no longer qualify for exemption under the Fair Housing Act or any state or local law or ordinance without the express prior written consent of the declarant.

[8] Each owner or occupant of a unit, if and when requested to so do by the Board, shall promptly furnish the Board with the names and ages of all occupants of the unit and shall complete and submit such affidavits and other documents as the Board may reasonably request to verify the age of all unit occupants.

B. In order to modify any of the conditions contained in subsection B(6) herein, the entity designated in the covenants and restrictions as having such authority must receive the written approval of Harford County. Any such modification must be recorded in the Land Records of Harford County, Maryland to be effective.

C. Specified design requirements.

- (1) Front, rear and side yards and maximum height shall be as shown on Table VII, Design Requirements for Specific Uses/R4 Urban Residential District for residential: PRD.
- (2) The project design shall be compatible with residential uses in the neighborhood. Evaluation of the compatibility shall be based upon height, facade, building bulk and architectural features of the project and of the neighborhood.
- (3) Distance between building blocks. The following minimum distances are established for townhouses, patio/court/atrium, multiplexes, garden and mid-rise apartment buildings as follows:

Building Block Walls

Distance Between Building Blocks (feet)

Blank end wall to blank wall	20
Blank end wall to window wall	30
Window wall to window wall	55 or a distance equal to sum of the height of the 2 buildings, whichever is greater

- (4) Maximum building coverage. The maximum building coverage shall be as follows:

<u>Dwelling Types</u>	<u>Maximum Building Coverage (percent of total lot)</u>
Patio/court/atrium, townhouse and multiplex	40%
Garden and mid-rise apartments	30%

- (5) Impervious surface ratio. The maximum impervious surface for any housing-for-the-elderly project shall not exceed 50% of the total parcel area.
- (6) The height of each structure, other than garden or mid-rise apartments, shall comply with the height requirement of the district. The height of a garden or mid-rise apartment is limited to 50 feet in the R1 and R2 Zone and 60 feet in R3, R4, AG/MO and CI Zones.
- (7) Signs. Entrance signs shall conform with the provisions for permanent residential entrance or development project signs as contained in the Sign Code.EN

§ 267-49.1. Continuing care retirement community (CCRC). [Added by Bill No. 98-36]

A. Eligibility. CCRC's shall have the following eligibility requirements:

- (1) The project developer shall have received approval from the Maryland Department of Aging for the feasibility studies which are required for submission of an application for a preliminary certificate of registration for a continuing care facility. The project shall be developed in accordance with and regulated by Article 70B, Section 7-23 of the Annotated Code of Maryland, Continuing Care Contracts (the "State CCRC Act").
- (2) The minimum lot size shall be 20 acres.
- (3) The project shall be served by public water supply and public sewer facilities.
- (4) The project must be directly accessible from one or more existing or planned arterial, collector or primary residential roads. [Amended by Bill No. 98-43]

B. Development standards.

- (1) Permitted housing types. For purposes of this section only, a variety of housing types may be permitted on a single parcel. These may include garden or mid-rise apartments, patio, atrium or court dwellings, multiplex units, duplex units, townhouses, single family detached dwellings or other units which meet the needs of the residents. Dwelling units shall include independent living units along with assisted living and skilled care facilities. The maximum number of beds in the skilled

care facility may not exceed 20% of the total number of independent dwelling units approved for this project by Maryland Office on Aging. For additional beds, application can be made for a certificate of need ("CON") with the State of Maryland.

- (2) Permitted uses. Ancillary uses, including community convenience stores, retail gift shops and professional, medical, health and personal services, dining facilities and meeting rooms are permitted, provided:
 - (a) The uses are located within the residential buildings or within community buildings that are architecturally compatible with the residential structures and are for the use and benefit of the residents of the community, their guests and the employees.
 - (b) There are no advertising signs indicating the uses placed along the boundary of the community.
 - (c) No individual retail accessory use may exceed 1,500 square feet, and the total retail accessory uses shall not exceed 150 square feet per dwelling unit.
- (3) Density. The CCRC use shall be permitted in the R1, R2, R3, R4, AG/MO and CI Zones. The maximum density shall be 25 units per gross acre in the R1 and R2 Zone, 30 units per gross acre in the R3 Zone, 30 units per gross acre in the R4 Zone, 30 units per gross acre in the AG/MO Zone and 30 units per gross acre in the CI Zone. For the purposes of calculating density, the number of beds in the assisted living and skilled care facilities shall be divided by the average household size (2.79) to determine the equivalent number of dwelling units. No more than 1,200 units shall be permitted in any such project.
- (4) General site design.
 - (a) The project shall be designed with regard to soils, topography and natural and historic features of the parcel.
 - (b) All residential structures shall be sited so as to promote privacy and security and to ensure natural light for all living areas.
 - (c) Buildings near the periphery of the project shall be harmonious with neighborhood areas and shall provide adequate transition in density and type or shall provide adequate buffer yards.
- (5) Vehicular circulation and access.
 - (a) The project roads shall be designed to provide a logical road network adequate for internal movement.

- (b) Particular attention shall be given to providing safe conditions for both pedestrian and vehicular movements, with efforts directed to reduce speed wherever possible.
 - (c) Adequate emergency access shall be provided for both vehicles and personnel.
 - (d) Internal roads may be designed and constructed as private roads in accordance with the private road standards established in the Harford County Subdivision Regulations.
- (6) Open space. The open space shall be generally continuous, accessible to the residents and protective of natural features. At least one-third (33 %) of the total parcel area shall be in open space.
- (a) Recreational facilities. Adequate recreational facilities shall be constructed in each phase of development to meet the needs of the residents. A recreational plan shall be submitted with the preliminary plan and shall identify facilities and programs for the residents. The developer shall provide a schedule for the installation of the facilities at the time the project is approved.
 - (b) The required active recreation space shall be a minimum of two acres and may include indoor and outdoor facilities designed to provide opportunity and encouragement for physical activity. The minimum acreage may be reduced by the Zoning Administrator based upon the specific program proposed by the developer.

C. Specified design requirements.

- (1) The project design shall be compatible with residential uses in the neighborhood. Evaluation of the compatibility shall be based upon height, facade, building bulk and architectural features of the project and of the neighborhood.
- (2) Setbacks. The minimum setback to adjacent residential lots for the main structures shall be twice the building height. The use setback, including all structures, parking and drive areas shall be 50 feet with a 15-foot landscaped buffer yard. Setbacks from all internal rights-of-way or private roads shall be a minimum of 15 feet.
- (3) The height of each structure, other than garden or mid-rise apartments, shall comply with the height requirement of the district. The height of a garden or mid-rise apartment is limited to 50 feet in the R1 and R2 Zone and 60 feet in R3, R4 and AG/MO Zones.
- (4) Building length. The maximum length of a building block shall not exceed 250 feet without offset. To exceed the maximum building block length, any building shall have offsets of four feet minimum for each additional 200 feet of length.

- (5) Distance between building blocks. The distance between buildings shall be a minimum of 30 feet. The enclosed walkways or pedestrian bridges shall not be construed as part of the building. However, the construction of such walkways must comply with all applicable building requirements or the applicable sections of the Harford County Code.
- (6) Maximum building coverage. The maximum building coverage shall be 40% of the total parcel area.
- (7) Impervious surface ratio. The maximum impervious surface for any CCRC project shall not exceed 60% of the total parcel area.
- (8) Landscaping and lighting. A landscape plan and a lighting plan of the entire parcel shall be approved by the Department of Planning and Zoning. The Lighting Plan shall protect the road and neighboring properties from direct glare or hazardous interference.
- (9) Signs. Entrance signs shall conform with the provisions for permanent residential entrance or development project signs as contained in the Sign Code. Identification signs shall conform to the standards of Section 219-13 (Sign Code).

§ 267-50. Mobile home subdivision (MHS).

- A. Eligibility. An MHS shall be at least five (5) acres and located in an R3 or R4 District.
- B. Development standards.
 - (1) Permitted uses.
 - (a) This project may include mobile homes but shall not include recreational vehicles or travel trailers.
 - [1] The mobile home unit shall be placed on a permanent foundation unpierced, except for required ventilation and access. Installation shall include a positive surface water drainage away from each unit.
 - [2] All wheels, axles, transporting lights and removable towing apparatus shall be removed from each unit prior to occupancy.
 - (2) Site design.
 - (a) All dwelling units shall be sited with regard to the topography, soils and natural features of the parcel.
 - (b) All dwelling units shall be sited to promote privacy and ensure natural light for all principal rooms.

- (c) No structure shall be less than fifty (50) feet from the property lines of the project, and a buffer yard twenty (20) feet in width shall be provided along all property lines at the periphery of the project.
 - (d) A landscaping plan shall be submitted which shall enhance the privacy and the visual quality of individual units and the project.
- (3) Vehicular circulation. The project roads shall be designed to provide a logical road network adequate for internal movement.
- (4) Parking.
 - (a) There shall be two (2) parking spaces, measuring at least nine by eighteen (9 x 18) feet, for each dwelling unit.
 - (b) The required parking spaces may be located within the required front yard area of individual lots. If group parking areas are used, these areas shall be arranged so as to prevent through traffic to other parking areas and shall be screened from adjacent projects and public roads.
- (5) Open space. The open space shall be generally continuous, accessible to the residents and protective of natural features. The following open space requirements shall be met:
 - (a) Open space shall be provided as follows:

<u>District</u>	<u>Minimum Open Space (percentage of parcel area)</u>
R3	15%
R4	20%
 - (b) All open space shall be provided pursuant to § 267-29, Open space.
- (6) Recreational facilities. Adequate recreational facilities shall be provided in each phase of development to meet the needs of the residents.

C. Density and lot characteristics.

- (1) Conventional development. The density, lot sizes and design requirements for a mobile home subdivision shall be those permitted for a conventional development of single-family detached dwellings in the zoning district in which the project is located.

- (2) Conventional with open space and planned residential developments. Where a mobile home subdivision is part of a COS or PRD project, the requirements of § 267-46 or 267-47, respectively, shall apply in addition to the requirements of this section. All regulations applicable to both the MHS and to the COS or PRD shall be met.

ARTICLE VIII

Special Exceptions

§ 267-51. Purpose.

Special exceptions may be permitted when determined to be compatible with the uses permitted as of right in the appropriate district by this Part 1. Special exceptions are subject to the regulations of this Article and other applicable provisions of this Part 1.

§ 267-52. General regulations.

- A. Special exceptions require the approval of the Board in accordance with § 267-9, Board of Appeals. The Board may impose such conditions, limitations and restrictions as necessary to preserve harmony with adjacent uses, the purposes of this Part 1 and the public health, safety and welfare.
- B. A special exception grant or approval shall be limited to the final site plan approved by the Board. Any substantial modification to the approved site plan shall require further Board approval.
- C. Extension of any use or activity permitted as a special exception shall require further Board approval.
- D. The Board may require a bond, irrevocable letter of credit or other appropriate guaranty as may be deemed necessary to assure satisfactory performance with regard to all or some of the conditions.
- E. In the event that the development or use is not commenced within three (3) years from date of final decision after all appeals have been exhausted, the approval for the special exception shall be void. In the event of delays, unforeseen at the time of application and approval, the Zoning Administrator shall have the authority to extend the approval for an additional twelve (12) months or any portion thereof.

§ 267-53. Specific standards. [Amended by Bill Nos. 82-52, -53, -54; 83-10, -32, -73; 84-37; 84-57; 85-59; 86-12; 88-61; 88-85; 88-87; 90-13; 91-66; 93-10; 95-71; 97-12; 99-59; 00-11]

The special exceptions enumerated herein, in addition to other conditions as may be imposed by the Board, shall comply with the following requirements:

- A. Amusements.
 - (1) Arenas and stadiums. These uses may be granted in the B3, CI and GI Districts, provided that:
 - (a) Separate vehicular entrances and exits shall be provided at least four hundred (400) feet away from any road intersection.

- (b) No buildings or structures, including rides or other apparatus, shall be located less than fifty (50) feet from any parcel boundary nor less than two hundred (200) feet from any adjacent residential lot.
 - (c) No automobile parking space shall be located within any required setback area nor within fifty (50) feet of any adjacent residential lot.
 - (d) A minimum parcel area of seventy-five (75) acres is established.
 - (e) A buffer yard of fifty (50) feet shall be provided adjacent to any residential lot line.
- (2) [Amended by Bill Nos. 88-87; 95-71] Country clubs, golf clubs, tennis and swim clubs. These uses may be granted in the AG, R, RR, R1, R2, R3, R4 and GI Districts, provided that:
- (a) No off-street parking or loading area shall be located within any required yard or within twenty-five (25) feet of any parcel boundary.
 - (b) Off-street parking and loading areas, swimming pools, and tennis courts shall be screened from adjacent residential lots.
 - (c) The principal access road shall be provided from an arterial or collector road.
 - (d) No more than 20% of the land area upon which such a use is conducted may be located in the GI District.
 - (e) Any outside lighting used to illuminate a use permitted under this section shall be designed, installed and maintained in a manner not to cause a glare or reflection on adjacent residential lots.
- (3) Fairgrounds, racetracks and theme parks. These uses may be granted in the AG, CI, LI and GI Districts, provided that:
- (a) A minimum parcel area of seventy-five (75) acres is established.
 - (b) The principal access shall be provided from an arterial or collector road.
 - (c) Separate vehicular entrances and exits shall be provided at least four hundred (400) feet away from any road intersection.
 - (d) No buildings or structures, including rides or other apparatus, shall be located less than fifty (50) feet from any parcel boundary or less than two hundred (200) feet from any adjacent residential lot.

- (e) No automobile parking space shall be located within any required setback area or within fifty (50) feet of any adjacent residential lot.
 - (f) A buffer yard or fifty (50) feet shall be provided adjacent to any residential lot line.
- (4) Marinas and boat launching, storage and repair. These uses may be granted in the AG, RR, R1, R2, R3, R4, B1, B2 and LI Districts, provided that:
 - (a) In the urban residential districts, such facilities shall be a part of a conventional development with open space (COS) or a planned residential development (PRD).
 - (b) A buffer yard at least fifteen (15) feet wide shall be provided along any boundary with an adjacent residential lot and along any public road.
- (5) [Amended by Bill No. 88-87] Motor vehicle recreation and go-cart tracks. These uses may be granted in the AG and GI Districts, provided that:
 - (a) A minimum parcel area of twenty-five (25) acres is established.
 - (b) Proper sediment control measures are used for any stormwater runoff.
 - (c) The primary activity takes place a minimum of two hundred (200) feet from any adjacent residential lots.
- (6) [Amended by Bill No. 88-87] Outdoor theaters. These uses may be granted in the AG District, provided that:
 - (a) Such theaters shall be for live productions only.
 - (b) All structures shall be located at least two hundred (200) feet from any adjacent residential lot.
 - (c) Parking areas shall be screened from adjacent residential lots.
- (7) [Amended by Bill No. 88-87] Indoor shooting ranges. These uses may be granted in the AG District, provided that:
 - (a) Adequate measures are taken to ensure that no loaded firearms will be brought into or taken out of the building.
 - (b) The sale, consumption or possession of alcoholic beverages on the premises is forbidden.

- (c) Such range is constructed in such a manner as to eliminate danger to persons or property from flying projectiles.
 - (d) The manner and times of operation shall be such that there will be no resulting detrimental disturbances to neighboring uses.
- (8) [Amended by Bill No. 88-87] Golf driving ranges. These uses may be granted in the AG District, provided that:
 - (a) The use shall not be within fifty (50) feet of any lot line nor within two hundred (200) feet of any adjacent residential lot.
 - (b) A minimum parcel area of three (3) acres shall be provided.
- (9) [Amended by Bill No. 88-87] Trap, skeet, rifle or archery ranges, outdoor. These uses may be granted in the AG, CI and GI Districts, provided that:
 - (a) A minimum parcel area of seventy-five (75) acres shall be required for all rifle and pistol ranges. A minimum parcel area of twenty-five (25) acres shall be required for all trap, skeet and archery ranges.
 - (b) Discharging of firearms or release of arrows shall not be permitted within five hundred (500) feet of any property line.
 - (c) Such range is constructed in such a manner as to eliminate danger to persons or property from flying projectiles.
 - (d) The manner and times of operation shall be such that there will be no resulting detrimental disturbances to residential neighborhoods.
 - (e) The facilities shall be designed so that the topographic features of the parcel are used to enhance safety and minimize firearm noise.
- (10) [Amended by Bill No. 88-87] Indoor theaters. These uses may be granted in an AG District, provided that:
 - (a) Such theaters shall be for live productions only.
 - (b) The proposed uses shall be located on an historic site or within an historic structure.
 - (c) Any historic structures renovated and uses shall be subject to review by the Historic District Commission.
 - (d) The project shall respond to and be protective of natural and historic features of the site.

- (e) All structures shall be located at least two hundred (200) feet from any adjacent residential lot.
- (f) Parking areas shall be screened from adjacent residential lots. Sufficient parking to accommodate all patrons on the site shall be provided.
- (g) A minimum parcel area of three (3) acres is established.
- (h) Activities or uses on the site shall be limited to those approved by the Board.

B. Industrial uses.

- (1) Offal or dead animal disposal or processing services. These uses may be granted in the AG and GI Districts, provided that:
 - (a) The vehicles and equipment are stored entirely within an enclosed building or are screened from adjacent residential lots and public roads.
 - (b) No vehicle used for transportation of offal or dead animals is parked or equipment is stored within any required yard.
- (2) Paper and allied products (SIC-26). These uses may be granted in the GI District, provided that structures are designed so as to ensure that the activities conducted therein will not endanger the public health and safety and, further, that any odors will not be a nuisance to the neighborhood.
- (3) Petroleum refining (SIC-2911). These uses may be granted in the LI and GI Districts, provided that:
 - (a) Such buildings and structures are constructed to ensure that the activities enclosed therein will not endanger the public health and safety.
 - (b) The applicant bears the cost of such additional fire-protection services as the use may necessitate.
- (4) Lubricating oils and greases (SIC-2992). These uses may be granted in the GI District, provided that:
 - (a) Such buildings and structures are constructed to ensure that the activities enclosed therein will not endanger the public health and safety.
 - (b) The applicant bears the cost of such additional fire-protection services as the use may necessitate.

- (5) Asbestos products (SIC-3292). These uses may be granted in the GI District, provided that:
 - (a) Such buildings are constructed to ensure that the activities enclosed therein will not endanger the public health and safety.
 - (b) Outside storage is prohibited.
- (6) Ammunition (SIC's 3482 and 3483). These uses may be granted in the LI and GI District, provided that such buildings are constructed to ensure that the activities enclosed therein will not endanger the public health and safety.
- (7) Ordinance and accessories (SIC-348). These uses may be granted in the LI District provided that:
 - (a) The operation and testing occur only between the hours of 7:00 a.m. and 10:00 p.m.
 - (b) The trajectory of any weapons being tested outdoors be directed away from any buildings within site-line, within one-half mile.
 - (c) Underground testing must occur within approved containment devices.
 - (d) Air drops of ordnance and accessories is prohibited.
 - (e) Appropriate offsite signs shall be posted within standard limits, warning of explosions and radio-wave interference.
 - (f) Facilities testing self-propelled machinery shall be buffered with a one hundred (100) foot landscaped buffer yard that provides a 100% opaque screen year-round.

C. Institutional uses. [Amended by Bill No. 97-54]

- (1) Cemeteries, memorial gardens and crematories. These uses may be granted in any district, except the RO, LI and GI District, provided that:
 - (a) A minimum parcel of twenty acres for cemeteries and memorial gardens shall be established, unless such uses are accessory to a house of worship.
 - (b) Structures used for interment, including mausoleums, vaults or columbariums, shall be set back not less than eighty feet from any road bounding the cemetery and not less than fifty-five feet from any other lot line.
 - (c) All graves or burial plots shall be set back not less than thirty feet from any public road right-of-way and not less than fifty feet from any adjacent lot line.

- (d) Such use shall be subject to the approval of the State Department of Health and Mental Hygiene.
- (2) Civil service clubs and fraternal organizations. These uses may be granted in the AG, RR, R1, R2, R3, R4 and VR Districts, provided that:
 - (a) Any building shall be at least one hundred feet from any adjacent residential lot and at least fifty feet from any other lot line. The front yard depth shall be at least one hundred feet, except along roads with eighty-foot rights-of-way or more, where the front yard depth shall be at least fifty feet.
 - (b) Total building coverage shall not be more than thirty percent of the parcel area.
 - (c) No parking area shall be located in any required front yard.
 - (d) A buffer yard of at least ten feet shall be provided along any boundary with an adjacent residential lot, except that, if alcoholic beverages are served, then the buffer yard shall be at least fifty feet.
- (3) Community centers or assembly halls. These uses may be granted in the AG, RR, R, R1, R2, R3, R4 and VR Districts, provided that:
 - (a) Any building shall be at least one hundred feet from any adjacent residential lot and at least fifty feet from any other lot line. The front yard depth shall be at least one hundred feet, except along roads with eighty-foot rights-of-way or more, where the front yard depth shall be at least fifty feet.
 - (b) Total building coverage shall not be more than thirty percent of the parcel area.
 - (c) No parking space shall be located in any required front yard.
 - (d) A buffer yard of at least ten feet shall be provided along any boundary with an adjacent residential lot.
- (4) Day-care centers. [Amended by Bill No. 90-6]
 - (a) These uses may be granted in the AG, RR, R, R1, R2, R3, R4 and VR Districts, provided that:
 - [1] A minimum parcel area of one-half acre is established.
 - [2] Access to the facility shall be from an arterial or collector road, with all outdoor play areas located in a solid-fenced or screened area in the rear of the building.

- [3] The operation may be conducted in a previously existing structure, or, if a new structure is constructed, the architecture of the building shall be harmonious with other architecture within the neighborhood.
 - [4] If the operator of a day-care center operated in a church, private school or public school has obtained a zoning certificate under the provisions of § 267-26D(12) of this chapter, the day-care center is exempt from the requirements of this Subsection C(4).
- (b) These uses may be granted in the CI, LI and GI Districts, provided that:
- [1] Access to the facility shall be from a public road;
 - [2] In order to minimize children's exposure to noise and other emissions from roads, parking areas and industrial activities, the facility's outdoor play area shall be fenced and shall be screened with a combination of evergreen and deciduous trees that are at least six feet high;
 - [3] Before opening the facility, its operator shall file emergency evacuation and sheltering plans for the facility with the Emergency Operations Division and the three closest volunteer fire and ambulance companies; and
 - [4] The Board may deny an application if the proposed facility would be located near an industrial use that constitutes a potential hazard to the children in the facility.
- (5) [Amended by Bill 91-66] Fire station, with fire station assembly hall. This use may be granted in the RR, R, R1, R2, R3, R4 and VR Districts, provided that:
- (a) A minimum parcel area of three acres is established.
 - (b) Any building shall be at least one hundred feet from any adjacent residential lot and at least fifty feet from any other lot line. The front yard depth shall be at least one hundred feet, except along roads with eighty-foot rights-of-way or more, where the front yard depth shall be at least fifty feet.
 - (c) Total building coverage shall not be more than thirty percent of the parcel area.
 - (d) No parking space shall be located in any required front yard or less than fifty feet from any adjacent residential lot.
 - (e) A buffer yard of at least ten feet shall be provided along any boundary with an adjacent residential lot.

- (6) Hospitals. These uses may be granted in the R2, R3, R4, RO and VR Zones, provided that:
- (a) A minimum parcel area of fifteen acres is established.
 - (b) The hospital complies with all applicable rules and regulations of the State Department of Health and Mental Hygiene.
 - (c) The hospital must be serviced by public water and sewer systems.
 - (d) Any structure is located at least 300 feet from any adjacent residential lot.
 - (e) Any parking area shall be at least 100 feet from any adjacent residential lot.
 - (f) Access to the use shall be from an existing or proposed arterial or collector road.
- (7) [Amended by Bill Nos. 90-30; 97-12] Schools, colleges and universities. These uses may be granted in any district, except the LI and GI Districts, provided that:
- (a) Schools, colleges and universities which offer any general academic instruction at levels above the eighth grade must have:
 - [1] A parcel of at least three acres. An additional eight hundred seventy-five square feet of parcel area will be required for each student in excess of fifty.
 - [2] A parcel frontage of at least three hundred feet.
 - [3] A front yard depth of at least fifty feet, a side yard depth equal to at least two times the height of the tallest institutional building located on the parcel which is approximate to the side lot line and a rear yard depth of at least fifty feet.
 - (b) Kindergartens must have:
 - [1] A parcel area of at least twenty thousand square feet per fifteen students or fraction thereof.
 - [2] A parcel frontage of at least one hundred feet.
 - [3] A front yard depth of at least forty feet, a side yard depth equal to at least the height of the tallest institutional building located on the parcel which is proximate to the side yard and a rear yard depth of at least forty feet.
 - (c) All other educational institutions must comply with the following:

- [1] Where the maximum attendance at any one time does not exceed forty students, such institution must have:
 - [a] A parcel area of at least twenty thousand square feet per fifteen students or fraction thereof.
 - [b] A parcel frontage of at least one hundred fifty feet.
 - [c] A front yard depth of at least forty feet, a side yard depth equal to at least the height of the tallest institutional building located on the parcel which is proximate to the side yard and a rear yard depth of at least forty feet.
- [2] Where the maximum attendance at any one time exceeds forty students, such institution must have:
 - [a] A parcel area of at least three acres, plus seven hundred square feet for each student in excess of sixty.
 - [b] A parcel frontage of at least two hundred feet.
 - [c] A front yard depth of at least fifty feet, a side yard depth equal to at least two times the height of the tallest institutional building located on the parcel which is proximate to the side yard and a rear yard depth of at least fifty feet.
- (d) School buses shall be garaged or shall be stored in an area to the rear of the main building and adequately screened.
- (e) A buffer yard ten feet wide shall be provided along the boundary with an adjacent residential lot.

D. Motor vehicle and related services.

- (1) Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provided that:
 - (a) The vehicles and equipment are stored entirely within an enclosed building or are fully screened from view of adjacent residential lots and public roads.
 - (b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.

- (c) A minimum parcel area of two (2) acres shall be provided.
- (2) (Reserved)
- (3) [Amended by Bill No. 93-10] Motor vehicle repair shops. These uses may be granted in the AG and B1 Districts, provided that:
 - (a) A buffer yard at least 10 feet wide shall be provided along any adjacent road right-of-way or adjacent residential lot.
 - (b) The requirements of § 267-39C(7) of this chapter for service stations and repair shops in the B2 and B3 Districts shall be met.
 - (c) Unless Board approval is granted, accessory buildings and outdoor storage of vehicles, tires, and equipment shall be prohibited.
 - (d) The operator of the shop shall maintain a log of all vehicles repaired. For each vehicle, the log shall include the vehicle identification number and a description of the vehicle and identify the dates the vehicle arrived and was removed. The log shall be available for inspection during normal business hours. If no log exists, it shall be assumed for the purposes of § 267-39C(7)(f) that each vehicle has been stored on the property for 90 days.
 - (e) The rental or storage of trailers, boats, and trucks shall be prohibited.
 - (f) Proposed outdoor storage areas and refuse storage areas shall be fenced or screened from adjacent properties and shown on the site plan submitted for Board approval.
 - (g) Materials, textures, colors and designs of fences, walls, and screening shall be compatible with the on-site development, adjacent properties, and the neighborhood. When a wall is required, a planting strip at least 5 feet wide shall be provided also and shall include trees and shrubs that are at least 2 feet high when planted and that may be expected to form a year-round dense screen within 3 years. The location and species of trees and shrubs used for screening shall be chosen with consideration for the size of the trees and shrubs at maturity. Fences, walls, screening, and planting strips shall be located so that they do not constitute sight obstructions for the drivers of vehicles entering or exiting the parcel or any adjacent lot or parcel.
 - (h) The fumes, odors and noise from the vehicle-related work shall be minimized.
 - (i) A minimum parcel area of 1 acre shall be required.
 - (j) In the AG District, the use shall be operated by the resident of the property.

(4) Salvage and junk yards. These uses may be granted in the GI District, provided that:

- (a) A minimum parcel area of ten (10) acres is required.
- (b) View of the storage and salvage areas is screened from public roads and neighboring residences by means of a solid masonry or wood fence at least six (6) feet high. A buffer yard ten (10) feet wide shall be provided at the property line along the outside of any required fence.
- (c) No salvage material or junk may be piled more than six (6) feet high or above the level of the screening, whichever is greater.

E. Natural resource uses. [Amended by Bill Nos. 88-85; 88-87; 97-80]

(1) Mineral extraction and processing. These uses may be granted in the AG, RR, R, R1, R2, R3, R4, RO, VR, VB, B1, B2 and B3 Districts, provided that:

- (a) A permit for such use has been approved by the Maryland Department of the Environment.
- (b) No building or structure shall be located within 100 feet of any road right-of-way or adjoining property line.
- (c) The following buffer requirements shall be maintained:
 - [i] All areas in which extraction, washing, crushing, processing, blasting, overburden storage or disposal or similar activities occur shall be at least 800 feet from the property line of any parcel with an R1, R2, R3, R4, VR or RO zoning classification; and
 - [ii] All areas in which extraction, washing, crushing, processing, blasting or similar activities occur shall be at least 200 feet from the property line of any parcel with an AG or RR zoning classification.
- (d) Existing trees and ground cover along public road frontage shall be preserved, maintained and supplemented by the selective cutting, transplanting and addition of trees, shrubs and other ground cover for the depth of the front yard setback. Where it is determined that landscaping is not practical because of soil and/or operation conditions, other screening shall be provided.
- (e) Any use authorized as a conditional use pursuant to Board of Appeals approval prior to the effective date of this Part 1, as amended, shall comply with the conditions as previously established. Any use authorized after the effective date of this Part 1, as amended, may proceed, subject to the conditions of this section. Where a conditional use or special exception has been granted, any

modification or change of operations affecting the conditions or expansion of the use shall be subject to approval by the Board of Appeals.

- (f) The Director of the Department of Planning and Zoning annually shall require all active mining operations that operate subject to a Board of Appeals decision to submit to the Department a certificate of compliance. The certification shall be signed by the Chief Executive Officer and the Plant Operator/Manager of the company which owns the property and shall state whether the mining operation is in compliance with all of the conditions in the Board's decision. The certificate of compliance shall include detailed information to address the conditions imposed as part of the Board of Appeals case. The Director of the Department of Planning and Zoning may require any additional information needed to verify compliance, such as, but not limited to a property line or topographic survey or part or all of the property sealed by a professional land surveyor or registered property line surveyor.

(2) Sawmills. These uses may be granted in the AG and B3 Districts, provided that:

- (a) A minimum parcel area of ten (10) acres is required.
- (b) Noise shall not become a nuisance to the neighborhood.

F. Residential uses. [Amended by Bill Nos. 84-57; 86-12; 88-85; 88-87]

- (1) Apartments, dwellings, garden, mid-rise and high-rise. These uses may be granted in the R4 and B3 Districts, provided that:
 - (a) A minimum parcel area of not less than five (5) nor more than fifteen (15) acres shall be established.
 - (b) The density shall not exceed twenty (20) dwelling units per acre for mid-rise apartments and thirty (30) dwelling units per acre for high-rise apartments, and the maximum building coverage shall be forty percent (40%) of the total parcel for mid-rise apartments and thirty percent (30%) of the total parcel for high-rise apartments.
 - (c) The location is suitable for apartment dwellings with regard to traffic, access, efficiency and convenience of land use and safety.
 - (d) The proposed project is designed with properly arranged traffic flow and parking, buildings which are compatible and harmonious with surrounding uses, minimum obstruction to the view of those who live in the surrounding area and no adverse effect upon adjoining or surrounding properties.

- (e) The open space shall constitute at least thirty-five percent (35%) of the parcel area, of which at least forty percent (40%) shall be suitable for and devoted to active recreation.
 - (f) Any area not used for buildings, structures or parking shall be landscaped and properly maintained.
 - (g) In the B3 District, apartment dwelling structures shall be able to provide retail and service uses primarily intended for the future residents to the extent of one thousand (1,000) square feet of gross floor area for every one hundred (100) dwelling units within the project. Business uses shall be located on only the first two (2) floors of any building. No more than one (1) restaurant or bar shall be permitted. No freestanding signs advertising the business uses shall be allowed.
- (2) Camps, retreats and recreational vehicle parks. These uses may be granted in the AG District, provided that:
- (a) Recreational vehicle parks shall contain electrical and water outlets for individual sites, one (1) or more central sanitary stations, toilets and shower facilities.
 - (b) The parcel shall have a minimum frontage of two hundred (200) feet on a collector or arterial road.
 - (c) The maximum density permitted shall be ten (10) campsites or rooms per acre, with a minimum campsite size of three thousand (3,000) square feet. All campsites shall be at least fifty (50) feet from any property line.
 - (d) One (1) freestanding sign, not more than fifty (50) square feet in area and not more than twenty-five (25) feet in height, shall be permitted along each road frontage. Building-identification signs shall be attached to buildings and shall not exceed a total of ten (10) square feet.
 - (e) The only permitted permanent residential occupancy shall be for the resident owner or manager.
- (3) [Amended by Bill No. 98-36] Continuing care retirement community. This use may be granted in the AG District, provided that:
- (a) A minimum parcel area of 40 acres is established.
 - (b) The parcel is in the development envelope as shown in the 1996 Land Use Element Plan and is served by public water and sewer.
 - (c) Density shall not exceed 14 dwelling units per acre.

- (d) The height of garden or mid-rise apartments is limited to 50 feet.
 - (e) All provisions contained in Section 267-49.1 not inconsistent with the above standards shall be met.
- (4) Country inns and resorts. These uses may be granted in the AG, RR, R, R1, R2, R3, R4, RO and VR Districts, provided that:
- (a) The country inn or resort shall provide eating and sleeping facilities for at least three (3) guests on a daily or weekly short-term basis.
 - (b) The project shall be responsive to the natural and historic features of the parcel.
 - (c) Any historic structures renovated and used shall be subject to review by the Historic District Commission.
- (5) Group homes. These uses may be granted in the AG, R, RR, R1, R2, R3, R4, RO and VR Districts, provided that:
- (a) A minimum parcel area of three (3) acres is required in the AG District. A minimum parcel area of two (2) acres is required in the RR, R and R1 Districts.
 - (b) The intensity of the group quarters is limited to eight (8) residents per acre of the parcel.
- (6) [Amended by Bill No. 98-36] Housing for the elderly. This use may be granted in the AG District, provided that:
- (a) A minimum parcel area of 40 acres is established.
 - (b) The parcel is in the development envelope as shown in the 1996 Land Use Element Plan and is served by public water and sewer.
 - (c) Density shall not exceed 14 dwelling units per acre.
 - (d) The height of garden or mid-rise apartments is limited to 50 feet.
 - (e) All provisions contained in Section 267-49 not inconsistent with the above standards shall be met.
- (7) Nursing homes and assisted living facilities. These uses may be granted in the AG, RR, R, R1, R2, VR, VB and B1 Districts, provided that:

- (a) A minimum parcel area of five acres is established and a maximum building coverage of 40% of the parcel is provided.
 - (b) The setbacks of the district for institutional uses shall be met.
 - (c) The density shall not exceed 20 beds per acre of the parcel.
- (8) Personal-care boarding homes. These uses may be granted in the AG, RR, R, R1, R2, R3, R4, RO, VB and VR Districts, provided that:
 - (a) The proposed use shall be located in a single-family detached dwelling.
 - (b) The proposed use meets the minimum lot size requirements for a conventional single-family residence in the district where located.
 - (c) A maximum density of one (1) boarder per two thousand (2,000) square feet of lot area shall be maintained.
 - (d) Adequate off-street parking shall be provided.
 - (e) Where an application is for construction of a new dwelling, the building shall be similar in appearance to other single-family dwellings in the neighborhood.
- (9) Hotels and motels. These uses may be granted in the LI District, provided that:
 - (a) All outdoor lighting shall be so arranged and shielded that light intensity shall not reflect into residential structures.
 - (b) A minimum buffer yard of ten (10) feet shall be provided between the parking lot and any adjacent lot line.
 - (c) All recreational activities shall be screened from adjacent residential properties.
- (10) Cottage houses. A cottage house requiring approval as a special exception under Section 267-27B(8) of this Chapter may be granted if it conforms to the requirements of that section.
- (11) Mobile homes. These uses may be granted in the R3, R4, VR, VB, B1, B2 and B3 Districts, provided that:
 - (a) The main roof of each unit shall be pitched, having at least one (1) foot of rise for each four (4) feet of horizontal. The roofing material shall be compatible with residential dwellings within the neighborhood in which the mobile home is to be located.

- (b) The exterior finish of the unit shall be of a color, material and scale which are harmonious with the existing residential dwellings within the neighborhood in which the mobile home is to be located. In no case shall the degree of reflectivity of exterior finishes exceed that of semigloss white paint. Siding, trim and features shall be compatible with other materials used in construction of the mobile home unit.
- (c) The mobile home unit shall be placed on a permanent foundation in accordance with the manufacturer's specifications. Installation shall include a positive surface water drainage away from each unit.
- (d) All wheels, axels, transporting lights and removable towing apparatus shall be removed from each unit prior to occupancy.
- (e) The lot size and yard requirements applicable to single-family detached dwelling in the respective zoning district shall apply to mobile homes.
- (f) In the VR and VB Districts, mobile homes shall have a minimum width of twenty-four (24) feet and a minimum length of forty-eight (48) feet.

G. Retail trade. [Amended by Bill No. 97-54; 99-59]

- (1) Agricultural retail. This use may be granted in the RO District, provided that the parcel has sufficient road frontage to ensure ingress and egress. Any permanent structure shall meet setback for retail uses.
- (2) Antique shops, art galleries and museums. These uses may be granted in the AG District, provided that:
 - (a) A minimum parcel area of two acres is required and the proposed use is located in an historic structure.
 - (b) The parking requirements of § 267-25 are met and all parking areas are screened from adjacent residential lots.
- (3) Auction sales, agricultural related products. These uses may be granted in the AG, VB and B3 Districts, provided that:
 - (a) A minimum parcel area of 3 acres shall be established.
 - (b) No facility for overnight shelter of animals shall be within 200 feet of any adjacent residential lot.
- (4) Hobby and craft supplies. These uses may be granted in the RO District, provided that a minimum parcel area of 30,000 square feet is established.

- (5) Specialty shops. These uses may be granted in the VR District, provided that:
 - (a) A buffer yard of ten feet is provided between the parking area and any adjacent residential lot.
 - (b) Retail sales area shall not exceed five thousand square feet.

H. Services. [Amended by Bill No. 97-54]

- (1) Construction services and suppliers. These uses may be granted in the AG and VB Districts, provided that a buffer yard ten feet wide shall be provided around all outside storage and parking areas when adjacent to a residential lot or visible from a public road.
- (2) Funeral homes and mortuaries. These uses may be granted in the AG District, provided that:
 - (a) The proposed use shall be located in a building which is residential in character and architectural in style.
 - (b) A buffer yard ten feet wide shall be provided between the parking area and any residential lot or public road.
 - (c) Access for such use shall be from an arterial or collector road.
 - (d) A minimum parcel area of three acres is established.
- (3) Kennels. These uses may be granted in the AG, VB, B1 and B2 Districts, provided that all buildings for the shelter of animals and all runways shall be located at least two hundred feet from any lot line.
- (4) Pet grooming. This use may be granted in the AG, VB, B1 and B2 Districts, provided that:
 - (a) The activity takes place inside a completely enclosed building.
 - (b) No animals may be kept overnight, except those owned by the proprietor.
- (5) Personal services. These uses may be granted in the VR District, provided that:
 - (a) A buffer yard of ten feet is provided between the parking area and any adjacent residential lot.
 - (b) Gross floor area shall not exceed five thousand square feet.
- (6) Professional services. These uses may be granted in the VR District, provided that:

- (a) A buffer yard of ten feet is provided between the parking area and any adjacent residential lot.
 - (b) Gross floor area shall not exceed five thousand square feet.
- (7) Restaurants. These uses may be granted in the VB and B1 Districts, provided that:
 - (a) The parking and access requirements of this Part 1 shall apply.
 - (b) The use is located with direct access to an arterial or collector road.
- (8) Veterinary clinics or hospitals. These uses may be granted in the AG and B2 Districts, provided that:
 - (a) A minimum parcel area of three acres is required.
 - (b) The use shall be located with direct access to an arterial or collector road.
 - (c) A buffer yard ten feet wide shall be provided between the parking area and any adjacent residential lot.
 - (d) Any runways shall be set back at least two hundred feet from any lot line.
- (9) Health services and medical clinics.
 - (a) These uses may be granted in the AG District, provided that:
 - [1] The proposed structure for this use shall not exceed five thousand square feet of gross leasable space, unless there is presently an absence of such services within a three-mile radius from the parcel, but in no event shall the structure exceed ten thousand square feet of gross leasable space.
 - [2] The structure shall be of a size, scale and facade compatible with a rural residential neighborhood.
 - [3] All parking shall be accommodated on the site in a manner compatible with the surrounding roads and uses, and a buffer yard ten feet wide shall be provided between the parking area and any adjacent residential lot.
 - (b) These uses may be granted in the RO District, provided that:
 - [1] The structure shall be of a size, scale and facade compatible with the surrounding residential neighborhood.

- [2] All parking shall be accommodated on the site in a manner compatible with the surrounding roads and uses, and a landscaped buffer yard ten feet wide shall be provided between the parking area and any adjacent residential lot.

I. Transportation, communications and utilities (TCU).

- (1) Aircraft landing and storage, private. This use may be granted in the AG, CI, LI and GI Districts, provided that:
 - (a) The airfield is designed in accordance with design criteria recommended in Advisory Circular For Utility Airports, AC 150/53004B, or Heliport Design Guide, AC 150/5390-1B, both by the Federal Aviation Administration.
 - (b) The approach and landing paths are in accordance with the current Federal Aviation Administration Regulation, Part 77, Objects Affecting Navigable Airspace.
 - (c) The length of the runway and the height of obstacles at each end of the runway are compatible with takeoff and landing performance, as defined in the flight manual for the aircraft to be operating from the airfield.
 - (d) The length of the runway is sufficient for the aircraft to stop safely without thrust reversal after aborting takeoff at takeoff speed.
 - (e) The takeoff and landing flight path will be a minimum distance of one thousand (1,000) feet in any direction from any residence or public building.
 - (f) The takeoff and landing flight path of the aircraft has a minimum of two hundred fifty (250) feet vertical clearance over surrounding property, unless a navigation easement agreement is reached with affected property owners for a lesser clearance.
 - (g) No business, such as the sale or leasing of aircraft, maintenance or flight instructions, shall be allowed.
 - (h) The applicant shall maintain a flight operation log that shall be open for inspection by representatives of the Department of Planning and Zoning.
- (2) Airports, general aviation. These uses may be granted in the CI, LI and GI Districts, provided that:
 - (a) Landing, takeoff and utility areas used by aircraft shall be provided with a hard surface.

- (b) No structures or areas used for servicing aircraft shall be located less than two hundred (200) feet from any property line or less than one hundred (100) feet from any public or private institution.
 - (c) Airport approach and departure paths shall not be located over residential, institutional or other densely populated areas.
 - (d) The decibel reading shall not exceed a measure of seventy (70) decibels at the property line and shall not be objectionable due to intermittence, beat frequency or shrillness.
 - (e) No areas used by self-powered aircraft shall be located less than one thousand (1,000) feet from any residential lot on the approach and departure ends of the runway.
 - (f) Parking of vehicles shall not be permitted within one hundred (100) feet of any property line.
 - (g) The airport shall be surrounded by a sturdy and well-constructed fence, not less than six (6) feet in height, with suitable gates effectively controlling access to such area.
 - (h) Appropriate airport accessory uses, such as restaurants, snack bars, automobile rental agencies, airline business offices and service facilities, but not other business or industrial uses, may be permitted.
 - (i) The Zoning Administrator shall refer the application to the Federal Aviation Agency and/or the appropriate regional planning bodies to determine:
 - [1] If such airport is an integral part of or will interfere with the general plan of airports for the Maryland-Washington Regional District.
 - [2] If the takeoff and landing pattern of a new, reoriented or lengthened runway will interfere with the flight pattern of any nearby airport.
 - (j) The takeoff and landing flight path will be a minimum distance of two hundred fifty (250) feet vertical clearance over surrounding property, unless a navigation easement agreement is reached with affected property owners for a lesser clearance.
- (3) Stations, communications and broadcasting. These uses may be granted in the AG District, provided that:
- (a) A minimum parcel area of one (1) acre is established.
 - (b) The building shall be architecturally compatible with adjacent buildings.

- (c) The building shall be set back at least fifty (50) feet from any adjacent residential lot.

J. Warehousing, wholesaling and processing.

- (1) Abattoirs and slaughterhouses. These uses may be granted in the AG District, provided that:
 - (a) A minimum parcel area of twenty (20) acres is established.
 - (b) The use is provided with direct access from arterial or collector roads.
- (2) Laboratory research, experimental or testing. These uses may be granted in the AG District, provided that:
 - (a) A minimum parcel area of ten (10) acres is required.
 - (b) The research activity is directly linked to agricultural research or requires the cultivation of crops or the keeping of animals or requires a rural setting to perform the work activities.
- (3) Petroleum and gas products, sales or storage. Underground petroleum and gas products storage not in excess of twenty-five thousand (25,000) gallons' capacity may be granted in the B3 District, and aboveground and underground petroleum and gas products storage in excess of twenty-five thousand (25,000) gallons' capacity may be granted in the GI District, provided that:
 - (a) The applicant demonstrates that the best practicable means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance and protect against fire and explosion shall be employed.
 - (b) The parcel is located at least three hundred (300) feet from any railroad siding or bulk storage area for other volatile or explosive materials.
 - (c) The tanks are set back at least one hundred (100) feet from any public road right-of-way and the premises are enclosed by a secure fence of at least eight (8) feet in height.
 - (d) The tanks are located at least four hundred (400) feet from any institutional use and at least three hundred (300) feet from any adjacent residential or business use.

K. [Amended by Bill No. 85-59] Accessory parking areas, driveways and private roads. These uses may be granted in any district to serve a use permitted and located in another district but not permitted in the subject district, provided that:

- (1) The parking area, driveway or private road shall be accessory to and for the use of one (1) or more agricultural, residential, business or industrial uses located in an adjoining or nearby district.
- (2) No charge shall be made for the parking or storage of vehicles on any parking lot approved pursuant to this provision.
- (3) Any private road or driveway shall provide access to an approved private road, county road or state road or highway.
- (4) The number of parking spaces and total parking area approved in the subject district under this section shall not exceed thirty percent (30%) of the parking spaces and area required by this Part 1 for the permitted use.

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ARTICLE VIIIA

Telecommunications Facilities

§ 267-53.1. Purpose.

The County finds that the provisions of this Article are necessary in order to:

- A. Minimize the number of communications towers in Harford County.
- B. Encourage the co-location of telecommunications facilities.
- C. Encourage the use of existing buildings, towers, lights, utility poles, water towers and other similar structures for antennas.
- D. All telecommunications providers to build out their systems over time.
- E. Ensure that all telecommunications facilities, including towers, antennas and ancillary facilities, are located and designed to minimize the visual impact on the immediate surroundings and throughout the County.
- F. Require the County to create a government information system database that contains information regarding the location of all communications antennas, the location of all communications towers and information relative to the carrying capacity of each tower.
- G. Ensure that all telecommunications facilities, including towers, antennas and ancillary facilities, are installed in such a manner as to minimize disturbance to existing vegetation and designed to include suitable landscaping to screen the facility, where necessary.
- H. Ensure that if a new communications tower must be built, the tower should be:
 - (1) Constructed to accommodate 3 or more providers when practicable;
 - (2) Erected in a medium or high intensity commercial zone when practicable;
 - (3) Located and designed to minimize its visibility from residential properties; and
 - (4) Available for co-location for a government sanctioned public safety use prior to its availability to another provider.

§ 267-53.2. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings provided below:

CO-LOCATION – Placement of an antenna or an existing communications tower, building, light, utility pole or water tower where the antenna and all supports are located on the existing structure.

COMMUNICATIONS ANTENNA – Is any structure or device deployed by or on behalf of any government-licensed or government-permitted entity to collect or radiate electromagnetic waves, including directional antennas, microwave dishes and satellite dishes, and omni-directional antennas. Communications antenna does not include a radio operator antenna operated by an amateur radio operator who is licensed by the Federal Communications Commission and whose domicile is on the lot where the antenna and related equipment is placed.

COMMUNICATIONS TOWER – Is a structure erected to support communications antennas. Communications towers include, but are limited to:

- A. A lattice tower is a structure which consists of vertical and horizontal supports and metal crossed strips or bars to support antennas and connecting appurtenances. Lattice towers may be freestanding or supported by guy wires. (See guyed tower.)
- B. A monopole is a structure which consists of a single freestanding pole structure to support antennas and connecting appurtenances.
- C. A guyed tower is any communications tower using guy wires connecting above grade portions of a communications tower diagonally with the ground to provide support for tower, antennas and connecting appurtenances.

COMMUNICATIONS TOWER HEIGHT – Shall be measured from the lowest point of the base at ground level on which the tower is mounted to the top of the tower or the top of the highest point, whichever is greater.

EQUIPMENT BUILDING -- Is any structure, cabinet or box, accessory to a communications tower or communications antennas, that houses equipment related to the wireless transmission of voice, data or other signal.

§ 267-53.3. Accessory Uses.

A. Communications antennas may be placed, as accessory uses, upon any existing structure in any district as a matter of right, subject to the following restrictions:

- (1) Communications antennas and any related mounting structures may not be more than 12 feet in total height without a variance;

- (2) No communications antennas shall be placed upon any single family residence;
 - (3) If the addition of communications antennas to an existing structure triggers a governmental lighting requirement with respect to a facility that is not already subject to such a requirement, the addition will be allowed only by special exception through the granting of an area variance;
 - (4) A building permit shall be required; and
 - (5) Certification from the applicant that its equipment will meet all applicable federal standards governing the emission of energy.
- B. Equipment buildings that do not exceed 560 square feet per building per provider or a single equipment building that does not exceed 560 square feet per provider are permitted in any district as accessory uses.

§ 267-53.4. Communications Towers.

- A. Communications towers shall be allowed by right, up to 199 feet, in the CI, GI, LI, MO and B3 Districts.
- B. A communications tower shall be allowed by right within an existing overhead transmission line right-of-way provided that the height of the communications tower does not exceed the height of the existing structure by more than 20%.
- C. Communications towers shall be allowed by special exception, up to 199 feet, in the R, RR, R1, R2, VR, VB, B1, B2 and AG Districts.

§ 267-53.5. Provisions Applicable to All Communications Towers.

- A. All communications towers shall be structurally designed to accommodate for co-location, which shall mean the ability of the structure to allow for the placement of antennas for 3 or more carriers. This provision may be waived by the approving body if it is determined that a co-location design will have an adverse impact on the surrounding area.
- B. No aviation-related lighting shall be placed upon any communications tower unless specifically required by the Federal Aviation Administration or other governmental entity.
- C. Monopoles shall be the preferred communications tower structure type within the County.
- D. To the extent practicable, communication towers shall have suitable landscaping in order to screen the site from adjoining properties.
- E. The only signage permitted on any communications tower shall be a single sign no larger than 6 square feet, affixed to the equipment building or fence enclosure that identifies the

tower owner, each locating provider and the telephone number for the person to contact in the event of an emergency.

- F. Upon completion of a communications tower and every 5 years after the date of completion, the owner of the tower shall submit to the Zoning Administrator written certification from a professional engineer verifying that the tower meets all applicable building code and safety requirements applicable at the time the original building permit was issued. Failure to submit said certification within 60 days of written notification by the Department of Planning and Zoning to the owner of the tower or any successor in interest shall result in the start of the revocation process for the tower approval.
- G. All zoning certificate applications for the construction of new communications towers shall be subject to the DAC review process, with the following additional requisites:
 - (1) Whether an applicant has satisfied the radio frequency need requirements identified in this section shall be reviewed by a radio frequency engineer. The engineer shall be retained by the County from an approved panel of such engineers to be created and maintained by the County. The engineer shall determine whether the applicant has shown a radio frequency need, based on coverage and/or capacity issues, or other engineering requisites, to construct a new communications tower;
 - (2) When the communications tower is permitted by right, the engineer's determination shall be made in the ordinary course of DAC review;
 - (3) When the communications tower is allowed by special exception, the County's radio frequency engineering review shall be made in connection with the staff report review pursuant to Chapter A274-1.D. Such review will be completed prior to any zoning hearing and will preclude further DAC review of radio frequency issues; and
 - (4) The County's radio frequency engineer shall ensure that any new tower does not interfere with or obstruct existing or proposed communications towers designed for public safety use.
- H. The applicant shall be responsible for maintaining the communications tower in a safe condition.
- I. Communications towers shall be utilized continuously for wireless communications. In the event that a communications tower ceases to be used for wireless communications for a period of 6 months, the approval will be revoked. In the event that the Zoning Administrator is presented with evidence that further viability of the tower is imminent, the Zoning Administrator may grant one extension of the approval for a period not to exceed 6 months beyond the revocation of the use. The applicant shall take all necessary steps to dismantle the tower and remove and dispose of all visible remnants and materials from the subject parcel within 90 days after termination. The applicant shall ensure removal of the tower and all associated accessory structures by posting an acceptable monetary guarantee with the County on forms provided by the Office of the Zoning Administrator. The

guarantee shall be submitted prior to the issuance of a building permit and shall be for an amount equal to a cost estimate approved by the Zoning Administrator for the removal of the tower, plus a 15% contingency.

J. Every application for the construction of a new communications tower shall include the following:

- (1) Information demonstrating the applicant's radio frequency need for the facility, including computer modeling information, an explanation as to why co-location is not feasible and a list of alternative sites considered;
- (2) A checklist prepared in conformity with Section 106 of the National Environmental Policy Act and any other documents filed by the applicant with the FCC related to this site if requested by the department.
- (3) A site plan, including the layout of the site, a drawing or other physical depiction of the proposed communications tower and any equipment buildings, and a map showing the area within a one mile radius of the tower;
- (4) A description of the number of carriers' equipment that the tower can accommodate and a statement as to whether the applicant will allow other carriers to co-locate on the facility.
- (5) Documentation demonstrating the tower shall be designed and constructed in accordance with any applicable American National Standards Institute standards.
- (6) Proof that the applicant owns or otherwise has permission to use the site, along with any easements necessary to access the site;
- (7) A certification from each carrier that will utilize the facility that its equipment will meet all applicable federal standards governing the emission of energy from such facilities; and
- (8) A nonbonding 5-year plan showing the applicant's existing and proposed communications network within the County. In accordance with state law on access to public records, § 10-611 et seq. of the State Government Article, the department shall treat the 5-year plan it obtains as confidential and shall not permit public inspection of that information.

K. When proposing a new communications tower, the applicant must demonstrate a radio frequency need for such a facility by showing:

- (1) That the applicant has researched the co-location possibilities in the area, including in its research a review of the County's database of structures; and

- (2) That due to the absence of sufficiently tall structures in the search area, the absence of structural capacity on existing structures or other valid engineering or economic factors, no viable co-location opportunities exist in the search area.

§ 267-53.6. Additional Special Exception Requirements.

An applicant proposing a new communications tower in the R, RR, R1, R2, VR, VB, B1, B2 or AG Districts shall demonstrate that the request complies with the following conditions:

- A. The placement of the communications tower at the proposed location will not have a material negative impact on the value, use or enjoyment of any adjoining parcel.
- B. The applicant has made a diligent attempt to locate the applicant's antenna on an existing tower or nonresidential building or structure.
- C. The applicant shall provide the following additional information in support of its application:
 - (1) Photographs of existing site conditions;
 - (2) Photographs demonstrating that a balloon test has been conducted, or other evidence depicting the visual impact of the proposed tower within a one mile radius of the tower; and
 - (3) A map describing the topography of the site and the area within a one-mile radius of the proposed tower.

§ 267-53.7. Additional Provisions Applicable to Proposed Sitings in R, RR, R1, R2, VR, VB and B1 Districts.

- A. Applications proposing new communications towers in the R, RR, R1, R2, VR, VB and B1 Districts shall be presumed not to be favored unless the applicant can demonstrate that no suitable alternative site exists. In order to obtain a special exception in one of these districts, the applicant must demonstrate, in addition to the requisites applicable to all other tower requests, the following:
 - (1) There exists no suitable alternative location in a B2, B3, CI, GI, LI or AG District identifying with particularity any other sites considered;
 - (2) There is something unique about the proposed location, such as its size, the nature of surrounding uses or other factors, that negates the presumption that such facilities are generally incompatible with residential zoning; and
 - (3) That due to the location, elevation, engineering, technical feasibility or inability to obtain a lease or ownership of a location elsewhere, the construction of a tower at the proposed location is warranted.

§ 267-53.8. Public Safety Uses.

The construction of communications towers determined to be necessary in accordance with a plan approved by the County Council for government sanctioned public safety use or the mounting of communications antennas for government sanctioned public safety use is exempt from the provisions contained in Sections 267-53.6 and 267-53.7 of this legislation. Public safety use is defined as local and state law enforcement agencies and emergency operations center, including the oversight of the volunteer fire companies and medical services, designed to protect the health, safety and welfare of the public but does not include the operations of the Department of Inspections, Licenses and Permits or the Humane Society.

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ARTICLE IX

Applicability of Provisions

§ 267-54. Approved or pending zoning certificates or building permits.

- A. The requirements of this Part 1 shall not apply to any building, structure or use established pursuant to a zoning certificate or building permit approved prior to the effective date of this Part 1, provided that any such development shall commence within twelve (12) months of the effective date of this Part 1.
- B. The requirements of this Part 1 shall not apply to any building, structure or use proposed to be established pursuant to a zoning certificate or building permit application pending as of the effective date of this Part 1, provided that the requirements of Ordinance 6 of 1957 and amendments thereof shall apply, the zoning certificate is approved within sixty (60) days after the effective date of this Part 1 and any such development shall commence within twelve (12) months of the date of the approved building permit.

§ 267-55. Approved and pending preliminary plats.

- A. The requirements of this Part 1 shall not apply to lots shown on a preliminary subdivision plat approved as of the effective date of this Part 1, provided that a final plat applicable to that parcel shall have been recorded in the land records of the county prior to the effective date of this Part 1 or shall be recorded within two (2) years after such effective date.
- B. The requirements of this Part 1 shall not apply to lots shown on a preliminary subdivision plat pending approval as of the effective date of this Part 1, provided that the requirements of Ordinance 6 of 1957 and amendments thereof shall apply, the plat shall be approved by the Department of Planning and Zoning within sixty (60) days from the effective date of this Part 1 and a final plat applicable to that parcel shall be recorded in the land records of the county within two (2) years after the date of approval of the preliminary plat.

§ 267-56. Board of Appeals approvals. [Amended by Bill No. 82-54]

- A. The requirements of this Part 1 shall not apply to any variance or conditional use approved by the Board pursuant to Ordinance 6 of 1957, as amended. In the case of a conditional use approval for an integrated neighborhood or community shopping center, the applicant may proceed with development under the requirements and standards of § 267-47, Integrated community shopping center (ICSC), upon submission of a development plan to the Zoning Administrator for review and approval. The Zoning Administrator shall approve the development plan in accordance with the requirements of this Part 1, provided that the parcel location or portion thereof is not substantially changed or enlarged and that any off-site improvements required by the original conditional use approval which remain appropriate shall not be waived. In the case of a conditional use approval for a community development project (CDP), the applicant may proceed with development under the requirement and standard of the planned residential development (PRD) upon submission of a concept plan to the Zoning Administrator for review and approval. The concept plan

shall include the undeveloped areas of the parcel, indicating the general distribution of land uses, phases of development, vehicle circulation network and open space system. The Zoning Administrator shall approve the concept plan in accordance with the requirements of this Part I, provided that:

- (1) The number of dwellings approved for the community development project is not exceeded.
 - (2) Any off-site improvements required by the community development project are not waived.
 - (3) Any recreation facilities required by the community development project are provided.
 - (4) Any open space or public use required by the community development project is not reduced in area.
- B. Any modification not in accordance with the terms of this Article shall require the approval of the Board pursuant to § 267-9 of this Part 1.
- C. The requirements of this Part 1 shall not apply to any zoning case pending before the Board or courts of this state.

§ 267-57. Effect of prior zoning regulations.

All district classifications and maps, special exceptions, variances and conditional uses and all applications for such approvals, including the particular zoning category or categories applicable to a parcel of land, established under Ordinance No. 6 of 1957, as amended and as applied by legislative or administrative action thereunder, shall, as of the effective date of this Part 1, be of no further effect or validity, except to the extent that specific continuing rights are granted by the terms of this Part 1.

§ 267-58. Effect of declaration of invalidity.

Should all or part of any Comprehensive Zoning Map legislatively adopted on or after the effective date of the Part 1 be declared invalid, the zoning restrictions applicable to the AG Agricultural District shall thereafter apply to the property affected by such declaration of invalidity, pending further action by the County Council.

Part 2, Historic District [Adopted by Bill No. 84-36]

ARTICLE X General Provisions

§ 267-59. Purposes.

- A. The purpose of this Part 2 is to provide Harford County with the standards necessary to allow the preservation of historic structures and sites in the county.
- B. It is hereby declared by Harford County, Maryland, that it is the public policy that the protection, enhancement, perpetuation and use of structures and sites of special character or historical interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The further purpose of this Part 2 is to:
 - (1) Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts that represent or reflect elements of the county's cultural, social, economic, political and architectural history.
 - (2) Safeguard the county's historic and cultural heritage as embodied and reflected in such landmarks and historic districts.
 - (3) Stabilize and improve property value.
 - (4) Foster civic pride in the beauty and noble accomplishments of the past.
 - (5) Protect and enhance the county's attractions to residents, tourists and visitors and serve as a support and stimulus to business and industry.
 - (6) Strengthen the economy of the county.
 - (7) Promote the use of historic districts and landmarks for the education, pleasure and welfare of the people of the county.

§ 267-60. Power and authority.

This Part 2 is enacted pursuant to the powers granted to Charter counties in the State of Maryland by Article 25A of the Annotated Code of Maryland. This Part 2 is an extension and use of the county's power to enact zoning regulations governing the use of land in Harford County.

§ 267-60.1. Preservation of historic property. [Added by Bill No. 92-36; amended by Bill No. 05-11]

- A. In this section, "historic property" means:

- (1) 29 West Courtland Street
- (2) 31 West Courtland Street
- (3) 33 West Courtland Street
- (4) 18 Office Street
- (5) Harford County Courthouse
- (6) Bel Air M.E. Church (Main Street)
- (7) Hays House
- (8) Old Bel Air Post Office
- (9) Old Aberdeen High School
- (10) Bel Air Black School
- (11) Survey stones for Bel Air at 220 South Main and 33 West Courtland
- (12) Darlington Library

PARK PROPERTY:

- (13) Eden Mill Park
- (14) Scott House (Equestrian Center)
- (15) Liriodendron
- (16) Francis Silver Park (Darlington)
- (17) Stone House and Spring House (Edgeley Grove Farm)

BRIDGES:

- (18) Franklinville Road
- (19) Nobles Mill Road
- (20) Old Carrs Mill Road
- (21) Ring Factory Road

- (22) Green Road
- (23) Whitaker Mill Road
- (24) Forge Hill Road
- (25) Cherry Hill Road

BOARD OF EDUCATION:

- (26) Old Bel Air Academy
- (27) 35 East Gordon Street
- (28) 50 East Gordon Street
- (29) 54 East Gordon Street
- (30) Harford Glen
- (31) Darlington Elementary School

HARFORD COMMUNITY COLLEGE:

- (32) Hays-Heighe House

- B. A historic property shall not be altered or demolished unless:
 - (1) The Historic Preservation Commission approves the demolition or alteration; and
 - (2) The County Council by a vote of at least 5 members approves the demolition or alteration.
- C. Notwithstanding Subsection B of this section, if the Director of the Department of Inspections, Licenses, and Permits and the County Health Officer determine, after consultation with the Department of Planning and Zoning, that a historic property constitutes an immediate danger to the health, welfare, and safety of the public, the Director may approve the demolition or alteration of the property.
- D. An alteration permitted under Subsection C of this section shall be only to the extent necessary to remove the immediate danger constituted by the property.
- E. The Director of a county department that is responsible for the maintenance of a historic property shall submit an annual report stating the condition of the property to the Historic Preservation Commission.

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ARTICLE XI

Historic Preservation Commission

§ 267-61. Creation.

There is hereby created a County Commission, to be known as the "Historic Preservation Commission."

§ 267-62. Membership; terms; Chair.

- A. The Commission shall consist of eleven (11) citizens interested and active in historic preservation. The members shall be appointed by the County Executive and shall be confirmed by the County Council in accordance with the Charter of Harford County, Maryland.
- B. The terms of all the members shall be coterminous with the term of the County Executive.
- C. The Chair of the Commission shall be appointed by the County Executive. A co-Chair and Secretary shall be selected by Commission members.

§ 267-63. Compensation.

The members of the Commission shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

§ 267-64. Meetings; quorum.

The Commission shall meet at least four (4) times a year and shall hold special meetings at the call of the Chair or of any six (6) members of the Commission. The Commission shall keep official records of its resolutions, proceedings and actions. Six (6) members shall constitute a quorum.

§ 267-65. Annual report; budget.

The Chair of the Commission shall annually submit a report of the Commission's activities to the County Executive and to the County Council. The Chair shall also submit, in a manner determined by the County Executive, an annual operating budget in accordance with the Charter.

§ 267-66. Powers and duties.

The Preservation Commission shall have the following powers and duties:

- A. To adopt its own procedural regulations pursuant to Section 807 of the Charter.

- B. To conduct an ongoing survey to identify historically and architecturally significant properties, structures and areas that exemplify the cultural, social, economic, political or architectural history of the nation, state and county.
- C. To investigate and recommend to the Department of Planning and Zoning the adoption of ordinances designating properties or structures having special historic, community or architectural value as landmarks.
- D. To investigate and recommend to the Department of Planning and Zoning the adoption of ordinances designating areas having special historic, community or architectural value as historic districts.
- E. To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation.
- F. To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another.
- G. To advise and assist owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse and on procedures for inclusion on the National Register of Historic Places.
- H. To nominate landmarks and historic districts to the National Register of Historic Places and to review and comment on any National Register nominations submitted to the Commission for review.
- I. To inform and educate the citizens of Harford County concerning the historic and architectural heritage of the county by publishing appropriate maps, newsletters, brochures and pamphlets and by holding programs and seminars.
- J. To hold public hearings and to review applications for construction, alteration, removal or demolition affecting proposed or designated landmarks or structures within historic districts and issue or deny certificates of appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications and other information as may be necessary to make decisions.
- K. To consider applications for certificates of economic hardship that would allow the performance of work for which a certificate of appropriateness has been denied.
- L. To designate specific design guidelines for the alteration, construction or removal of landmarks or property and structures within historic districts.
- M. To review proposed zoning amendments, applications for special use permits or applications for zoning variances that the Director of Planning and Zoning has determined may have some effect on proposed or designated landmarks and historic districts. The

Director of Planning and Zoning shall send the applications for special use or zoning variations to the Preservation Commission for comment prior to the date of a hearing.

- N. To call upon staff members of the Department of Planning and Zoning, as well as other experts, for technical advice.
- O. To confer recognition upon the owners of landmarks or property or structures within historic districts by means of certificates, plaques or markers.
- P. To periodically review the Harford County Zoning Code and to recommend to the Department of Planning and Zoning any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts.
- Q. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purpose of this Part 2.
- R. To accept any grant, loan or aid, in any form, from federal, state or private sources on behalf of the county.

§ 267-67. Surveys.

The Commission shall conduct surveys in the county to identify neighborhoods, areas, sites, structures and objects that have historic, community, architectural or aesthetic importance, interest or value. As part of the survey, the Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts and photographs. Before the Commission shall, on its own initiative, nominate any landmark for designation, it shall first develop a plan and schedule for completion of a survey of the county to identify potential landmarks. The Commission shall then systematically identify potential landmarks and adopt procedures to nominate them, based upon the following criteria:

- A. The potential landmarks in one (1) identifiable neighborhood or distinct geographical area of the county.
- B. The potential landmarks associated with a particular person, event or historical period.
- C. The potential landmarks of a particular architectural style or school or of a particular architect, engineer, builder, designer or craftsman.
- D. Such other criteria as may be adopted by the Commission to assure systematic survey and nomination of all potential landmarks within the county.

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ARTICLE XII

Procedure for Designation of Historic Districts

§ 267-68. Method of nomination.

Nominations shall be made to the Preservation Commission and may be submitted by a member of the Commission, owner of record of the nominated property or structure or any other person or organization.

§ 267-69. Criteria for consideration of nomination.

- A. The Commission shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure or area meets one (1) or more of the following criteria:
- (1) Its character, interest or value as part of the development, heritage or cultural characteristics of the community, county, state or country.
 - (2) Its location as a site of a significant local, county, state or national event.
 - (3) Its identification with a person or persons who significantly contributed to the development of the community, county, state or country.
 - (4) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials.
 - (5) Its identification as the work of a master builder, designer, architect or landscape architect whose individual work has influenced the development of the community, county, state or country.
 - (6) Its embodiment of elements of design, detailing, materials or craftsmanship that render it architecturally significant.
 - (7) Its embodiment of design elements that make it structurally or architecturally innovative.
 - (8) Its unique location or singular physical characteristics that make it an established or familiar visual feature.
 - (9) Its character as a particularly fine or unique example of a utilitarian structure, with a high level of integrity or architectural significance.
 - (10) Its suitability for preservation or restoration.
 - (11) Its significance as an archaeological site.

- B. Any structure, property or area that meets one (1) or more of the above criteria shall also have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration.

§ 267-70. Report and recommendation of Commission.

The Preservation Commission shall, within forty-five (45) days from receipt of a completed nomination in proper form, determine that the nominated landmark or historic district does or does not meet the criteria for designation.

- A. The determination shall be accompanied by a report to the Director of the Department of Planning and Zoning containing the following information:
- (1) An explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation.
 - (2) An explanation of the integrity or lack of integrity of the nominated landmark or historic district.
 - (3) In the case of a nominated landmark found to meet the criteria for designation:
 - (a) The significant exterior architectural features of the nominated landmark that should be protected.
 - (b) The types of construction, alteration, demolition and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness.
 - (4) In the case of a nominated historic district found to meet the criteria for designation:
 - (a) The types of significant exterior architectural features of the structures within the nominated historic district that should be protected.
 - (b) The types of alterations and demolitions that should be reviewed for appropriateness.
 - (5) Proposed design guidelines for applying the criteria for review of certificates of appropriateness to the nominated landmark or historic district.
 - (6) The relationship of the nominated landmark or historic district to the ongoing effort of the Commission to identify and nominate all potential areas and structures that meet the criteria for designation.
 - (7) All landmarks, appurtenances and environmental settings appropriate to ensure preservation of character and historical integrity.

- (8) Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations and parking regulations necessary or appropriate to the preservation of the nominated landmark or historic district.
 - (9) A map showing the location of the nominated landmark and the boundaries of the nominated historic district.
- B. The recommendations and report of the Commission shall be sent to the Department of Planning and Zoning within seven (7) days following the vote on the resolution and shall be available to the public in the offices of the Commission.

§ 267-71. Design guidelines.

Design guidelines for applying the criteria for review of certificates of appropriateness shall adhere to the United States Secretary of the Interior's standards for historic preservation projects.

§ 267-72. Notices.

- A. Immediately upon completion of the nomination of a landmark, the Commission shall inform the owner of the property, by registered mail, of the nomination. The notice shall include copies of the proposed nomination, legislation and a form requesting the owner's and/or owner's agreement to the nomination. If the owner does not agree to the nomination and/or designation, all action pertaining to the site shall cease.
- B. The report of the Commission shall be sent to the Department of Planning and Zoning. The Department of Planning and Zoning shall, within twenty (20) days of the receipt of the Commission's report, request that the Law Department prepare the appropriate legislation. In addition to the regular notice that is provided for all county legislation, the following additional notice shall be given prior to the date of the public hearing on the legislation.
 - (1) Notice of the date, time, place and purpose of the public hearing and a copy of the legislation shall be sent by regular mail to the owner(s) of record and to the nominators, as well as to property owners adjoining the nominated landmark or historic district, at least ten (10) days prior to the date of the hearing.
 - (2) Notice shall also be published in a newspaper having general circulation in the county.
 - (3) The notice shall state the street address and legal description of a nominated landmark and the boundaries of a nominated historic district.
- C. Upon designation, the landmark or historic district shall be classified by the Historic Preservation Commission as a District H Historic District, and the designating law shall describe the significant exterior architectural features; the types of construction, alteration,

demolition and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness; the design guidelines for applying the criteria for review of appropriateness; permitted uses; special uses; height and area regulations; minimum dwelling size; floor area; sign regulations; and parking regulations. The Official Zoning Map of the county shall be amended to show the location of the District H Historic District or landmark.

§ 267-73. Interim control.

No building permit shall be issued by the Department of Inspections, Licenses and Permits for alteration, construction, demolition or removal of a nominated landmark or of any property or structure within a nominated historic district from the date of meeting of the Commission at which a nomination form is first presented until the final disposition of the nomination by the County Council, unless such alteration, removal or demolition is authorized by formal resolution of the County Council as necessary for public health, welfare or safety. In no event shall the delay be for more than ninety (90) days.

§ 267-74. Amending and rescinding designations.

A designation may be amended or rescinded upon petition to the Commission and compliance with the same procedure and according to the same criteria set forth herein for designation.

ARTICLE XIII

Certificates of Appropriateness

§ 267-75. Certificate required.

A certificate of appropriateness shall be required from the Historic Preservation Commission before the following actions affecting the exterior architectural appearance of any landmark or property within a historic district may be undertaken:

- A. Any construction, alteration or removal requiring a building permit from the Department of Inspections, Licenses and Permits.
- B. Any demolition, in whole or in part, requiring a permit from the Department of Inspections, Licenses and Permits.
- C. Any construction, alteration, demolition or removal affecting a significant exterior architectural feature as specified in the law designating the landmark or historic district.

§ 267-76. Applications.

Every application for a demolition permit or a building permit, including the accompanying plans and specifications, affecting the exterior architectural appearance of a designated landmark or of a property within a designated historic district shall be forwarded by the Department of Inspections, Licenses and Permits to the Commission within seven (7) days following receipt of the application. The Department of Inspections, Licenses and Permits shall not issue the building or demolition permit until a certificate of appropriateness has been issued by the Commission. Any applicant may request a meeting with the Commission before the application is sent by the Department of Inspections, Licenses and Permits to the Commission or during the review of the application. Application for review of construction, alteration, demolition or removal not requiring a building permit for which a certificate of appropriateness is required shall be made on a form prepared by the Commission and available at the office of the Commission. The Commission shall consider the completed application at its next regular or special meeting. A certificate of appropriateness may be issued upon the signature of six (6) of the members of the Commission.

§ 267-77. Determination by Commission.

The Commission shall review the application for a building or demolition permit or for a certificate of appropriateness and issue or deny the certificate of appropriateness within thirty (30) days of receipt of the application. Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided to the applicant and the Department of Inspections, Licenses and Permits within seven (7) days following the determination and shall be accompanied by a certificate of appropriateness in the case of an approval.

§ 267-78. Denial.

A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Commission to reconsider its denial and shall confer with the applicant and attempt to resolve, as quickly as possible, the differences between the owner and the Commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Commission.

§ 267-79. Standards for review.

- A. In considering an application for a building or demolition permit or for a certificate of appropriateness, the Commission shall be guided by the United States Secretary of the Interior's standards for historic preservation projects.
- B. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment or to use a property for its originally intended purpose.
- C. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.
- D. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
- E. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- F. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.
- G. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

- H. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- I. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

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ARTICLE XIV

Appeals; Fees; Enforcement

§ 267-80. Appeals.

A determination by the Commission that an application be denied may be appealed to the Zoning Board of Appeals in the same manner and with the same procedures that are utilized in a zoning case. The appeal must be filed within twenty (20) days of the date of the written notice or denial by the Commission. A final decision by the Zoning Board of Appeals may be appealed to the Circuit Court for Harford County.

§ 267-81. Fees.

Fees required for processing of applications to the Commission shall be as established in Chapter 157 of the Harford County Code.

§ 267-82. Civil remedies.

The county may proceed with appropriate civil remedies to enforce this Part 2, including but not limited to injunctive relief and actions for damages.

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ARTICLE XV

Enumeration of Historic Landmarks

§ 267-83. Historic landmarks list. [Added by Bill No. 85-21; amended by Bill Nos. 89-70; 91-22; 92-86; 96-12; 97-21; 99-9; 99-10; 99-11; 05-42 as amended]

The following sites are designated as historic landmarks in accordance with Chapter 267, Part 2, Articles X through XV. The boundaries of the historic landmarks are shown on the official historic districts and landmarks maps, on file with the Department of Planning and Zoning, which are attached hereto and incorporated herein by reference.

<u>Historic Number</u>	<u>Name</u>
0.1.937	Christopher's Camp
0.2.441	Churchville Presbyterian Church and Cemetery
29.3.225	Hays House
33.4.609	Little Falls Meeting House Burial Ground and Fallston Friends Schoolhouse
0.5.854	Nelson-Reardon-Kennard House
5.6.4	Rigbie House
0.7.1312	St. Francis de Sales Church
7.8.5	Sophia's Dairy
3.9.168	St. Mary's Church
0.10.561	Stansbury Mansion
21.11.49	Thomas Run Church
0.12.165	Deer Creek Harmony Presbyterian Church
32.13.12	Deer Creek Friends Meeting House and Cemetery
20.14.6	Bon Air
34.15.307	McComas Institute
15.16.249	Spesutia Church Vestry House and Cemetery
0.17.867	Bush Hotel
26.18.1315	Joppa Historic District
4.19.44	D. H. Springhouse
0.20.113	King and Queen Seats
0.21.1117	Whitaker Mill and Miller's House
0.22.103	Tabernacle Church [Added by Bill No. 91-22]
2.23.66	Old Brick Baptist Church [Added by Bill No. 92-86]
0.24.0	St. James African Methodist Episcopal Church Cemetery
26.25.693	Woodside
61.25.240	Swansbury
59.27.1279	Greenwood
0.26.1244	Historical Society Headquarters
HA.356	Joshua's Meadows

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Part 3, Agricultural Land Preservation Districts
[Adopted by Bill No. 79-28]

ARTICLE XVI
General Provisions

§ 267-84. Protection of normal agricultural activities.

- A. In accordance with §§ 2-501 through 2-515 of the Agriculture Article of the Annotated Code of Maryland, agricultural land preservation districts may be established in Harford County. Such districts shall provide for the protection of normal agricultural activities, which are the use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, silviculture and the sale of agricultural products produced on the farm where the sales are made.
- B. Nothing in this section shall preclude the operation of farm machinery used in agricultural production.

§ 267-85. Official maps.

Official maps of agricultural land preservation districts shall be kept with the Department of Planning and Zoning and shall be revised from time to time to reflect the establishment, alteration and abolition of agricultural land preservation district boundaries. The official maps shall be made current at least once a year by June 30 of each year and shall be published at the same scale as the Department of Assessment and Taxation Tax Maps.

§ 267-86. Establishment.

- A. In accordance with §§ 2-501 through 2-515 of the Agriculture Article of the Annotated Code of Maryland and with Maryland Regulations 15.17.01, agricultural land preservation district establishment shall be accomplished by this Article only upon formal notification to the County Council of Harford County by the Maryland Agricultural Land Preservation Foundation that a district has been established in Harford County. Such notification shall include a copy of the agricultural land preservation district agreement signed by all parties and as recorded among the land records of Harford County.
- B. All such district agreements, together with property descriptions, shall be maintained in an official file and be available at the office of the Director of Administration.

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Part 4
Deer Creek Scenic River District
[Adopted by Bill No. 78-51]

ARTICLE XII
Intent

§ 267-87. Purpose.

This Part 4 is enacted in furtherance of state law and the Master Plan for Harford County, and it is the purpose of this Part 4 to ensure the protection of private rights and the scenic river in a compatible, harmonious manner and to ensure that it is understood that the private property bounding Deer Creek is not to be public property and will not be such unless purchased by a governmental entity. The intent is to preserve Deer Creek as a free flowing stream, without additional impoundments or diversions, with the exception of agricultural uses, and to preserve and protect its natural and cultural values for present and future generations. [Amended by Bill 02-1]

ARTICLE XVIII
Advisory Board

§ 267-88. Establishment; membership.

The local Deer Creek Scenic River Advisory Board, established in accordance with § 8-403(g) of the Natural Resources Article of the Annotated Code of Maryland, as amended, shall be composed of nine (9) members, residents of Harford County. The Local Advisory Board shall be appointed by the County Executive, subject to the approval of the County Council of Harford County. The Board shall consist of five (5) members who shall reside on and own land contiguous to Deer Creek, two (2) members representing the Harford County Soil Conservation District and two (2) members who shall be residents of the county who do not own land contiguous to Deer Creek.

§ 267-89. Chairman; terms of office.

- A. The members of the Board shall select from among its members a Chairman.
- B. During the initial term, three (3) of the members shall be appointed to serve terms of one (1) year, three (3) of the members shall be appointed to serve terms of two (2) years, and three (3) of the members shall be appointed to serve terms of three (3) years. Thereafter, the members shall serve for periods of three (3) years from the dates of the appointments.

§ 267-90. Quorum.

A majority of the Board shall constitute a quorum for the transaction of business, and a majority vote of the members present shall be necessary to transact business.

§ 267-91. Salaries and compensation.

Members of the Board shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of their duties.

§ 267-92. Powers and duties.

The powers and duties of the Board shall be as follows:

- A. To initiate and recommend policies and regulations to the County Council to enhance and protect the quality of Deer Creek.
- B. To review studies, proposed programs and rules formulated by federal, state and local governmental agencies that concern Deer Creek and to make recommendations concerning such proposals to the County Council.
- C. To review and make recommendations to the County Council concerning management and preservation of the scenic, agricultural and wild qualities of Deer Creek, with respect to such activities as fishing, hunting, hiking, horseback riding, natural and geological interpretations and scenic appreciation.
- D. To review and make recommendations to the County Council concerning the use of the study and plan prepared by the Department of Natural Resources for Deer Creek, evaluating its shoreline and related land in terms of zoning, parks and recreational areas for public and private use.
- E. To review and make recommendations to the County Council concerning new construction and development along Deer Creek.

ARTICLE XIX
General Regulations

§ 267-93. Board approval required prior to permit issuance.

Except for the reasonable extension and maintenance or repair of existing buildings or dam structures, any new construction or commercial development within 150 feet of the normal banks of Deer Creek or any proposed channelization, dam or other structure impeding the natural flow within Deer Creek shall be reviewed and approved by the Advisory Board before issuance of a zoning or building permit, subject to prohibitions established by local, state or federal law and/or appeal to the Board of Appeals of Harford County. [Amended by Bill 02-1 as amended]

§ 267-94. Time limitation for action by Board.

Final action of the Advisory Board shall be taken and such action shall be reported out of the Board within sixty (60) calendar days of the application and receipt of the data requested by the Board.

§ 267-95. Signs.

The erection of any sign without the one-hundred-fifty-foot setback from Deer Creek, with the exception of private trespassing signs, real estate "for sale" signs of three by three (3 x 3) feet or such signs as may be required by law, shall be subject to the same review by the Advisory Board as new construction.

§ 267-96. Fences.

The construction and maintenance of fences and other restraints in or along Deer Creek, in accordance with established agricultural practices, is permitted by this Part 4.

§ 267-97. Mills.

The restoration, maintenance and operation of mills is permitted by this Part 4.

§ 267-98. Exceptions.

Nothing in this Part 4 shall limit the normal practice of agriculture and forestry.

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Zoning Maps
[Adopted by Bill No. 82-40]

ARTICLE XX
Official Harford County Zoning Maps

§ 267-99. Publication.

The zoning districts, as established by law, shall be published in the form of Official Zoning Maps, and the maps shall be referred to as the "Zoning Maps of Harford County, Maryland."

§ 267-100. Contents.

The Official Zoning Maps shall designate, in a clear and precise manner, the zoning classification of all land in Harford County governed by the provisions of Part 2 of this chapter.

§ 267-101. Incorporation by reference. [Amended by Bill Nos. 89-40; 90-4; 97-55]

The 1997 Official Zoning Maps are the maps enacted by and incorporated into County Council Bill No. 97-55.

§ 267-102. Certification; availability to public.

All Official Zoning Maps shall be certified by the Secretary of the Council and shall be permanently kept on file in the Department of Planning and Zoning. The maps shall be made available to the public for public inspection during normal county business hours, and the Department of Planning and Zoning shall provide for the sale of the maps to the general public.

§ 267-103. Amendments.

Zoning Maps may be amended by the County Council pursuant to applicable law and rules and regulations.

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Part 6
Growth Management
[Adopted by Bill No. 91-70]

ARTICLE XXI
Public Facilities

[Amended by Bill No. 93-23; 94-36; 00-10; 03-37, As Amended; 04-08 As Amended, 05-45, As Amended]

§ 267-104. Adequate public facilities.

A. Annual growth report.

- (1) The Department of Planning and Zoning shall prepare an annual growth report describing growth and facility capacity in accordance with Paragraphs (2) and (3) of this subsection. The annual growth report shall be submitted by the Director of Planning to the County Council by June 1 and shall become effective July 1.
- (2) Growth trends -- The annual growth report shall describe the growth that has occurred in the preceding year. The information in the report shall be aggregated by the appropriate facility service areas, and the report shall include, but need not be limited to, the following information:
 - (a) Number of building permits approved for new dwelling units, by type;
 - (b) Number of residential units for which preliminary plan approval has been issued but for which building permits have not yet been issued;
 - (c) The number of building permits approved for nonresidential uses, by type and total floor area;
 - (d) Estimated population, households, and employment;
 - (e) Comparisons with the same information for the previous five years;
 - (f) Comparison with the same information for the Baltimore region and other political subdivisions; and
 - (g) Population, household, and employment projections for 5- and 10- year periods.
- (3) Specific facility analysis -- The annual report shall include an analysis of the current and future utilization and capacity of specific public facilities and services. The analysis shall include, but need not be limited to the following information:
 - (a) Schools.

- [1] Full-time enrollment for each school district; as of September 30, or as of any other official reporting date as set by the State Board of Education or the County Board of Education.
- [2] Rated capacity and utilization percentage of each school facility, with capacity based on a standard of 25 students per classroom for regular classes and 10 students per classroom for special education classes, exclusive of relocatable or portable classrooms.
- [3] One-year, 2-year, 3-year, 4-year and 5-year enrollment projections for each facility, including a description of the method of projecting enrollment in each facility;
- [4] Pupil yield factor by school level for each type of dwelling unit;
- [5] List of approved capital projects for new or expanded school facilities and the identified schools that will be relieved, including projects enrollment and opening date;
- [6] School districts map for each level of school facilities; and
- [7] Modified enrollment projections for each district which include planned units remaining (recorded lots and units projected from approved preliminary plans) and projected units from vacant land zoned for residential purposes.

(b) Sewerage.

- [1] Sewage generation (in gallons per day) for each type of dwelling unit and commercial/industrial use (average);
- [2] Inventory/tabulation of existing flows, including all allocations to the system, and the total system capacity;
- [3] Sewage generation projections for the system, including the basis for their computation; and
- [4] A list of capital projects, contained in the capital improvements program, for expanded sewerage facilities, including project status.

(c) Water.

- [1] Water usage (in gallons per day) for each type of dwelling unit and commercial and industrial use (average);

- [2] Inventory/tabulation of existing water consumption, including all allocations to the system, and the total system capacity;
- [3] Water usage/demand projections for the system, including the basis for their computation; and
- [4] A list of capital projects, contained in the capital improvements program, for expanded water facilities, including project status.

(d) Roads.

- [1] List of approved transportation capital projects outlined in the Harford County Capital Improvement Program and the State Consolidated Transportation Program;
- [2] List of the existing Level of Service (LOS) at major intersections in the county as contained in the annual growth report; and
- [3] List of the existing average daily traffic (ADT) on major roadways in the county as contained in Annual Growth Report.

- (4) Amendments -- The Director of Planning may amend the annual growth report to correct factual errors or to include significant changes in facility capacity. Such amendments shall be presented to the County Council within 210 calendar days of the effective date of the report.

B. Adequacy standards (minimum acceptable level of service).

- (1) Testing for adequate school capacities as provided under Subsections (2)(a)[1][a] and [b] shall occur on December 1 and June 1 of each year. If such testing reveals that the enrollment at any school exceeds the rated capacity as provided under (2)(a)[1][a] or [b] the Annual Growth Report shall be amended to reflect these changes and the amendments shall be presented to the County Council.
- (2) [Amended by Bill Nos. 96-27; 98-36] Residential development. Approval of residential subdivision plans and site plans for multi-family development shall be subject to findings of adequate capacity based on the standards set in this subsection, and the current and projected use level described in the annual growth report:

[Section 267-104 B.(2)(a), as follows, is effective until June 30, 2009, per Bill 05-45, As Amended.]

(a) Schools

- [1] Preliminary approval. Preliminary subdivision plans exceeding five lots and site plans for multi-family residential developments exceeding five

dwelling units shall not be approved at locations where either of the following conditions exists:

- [a] The enrollment at the elementary school which serves the site is greater than 105% of the rated capacity, or is projected to be greater than 105% within 3 years; or
 - [b] The enrollment of either the middle school or high school which serves the site is greater than 105% of the rated capacity or is projected to be greater than 105% within 3 years.
- [2] Conditional review. If Paragraphs (2)(a)[1][a] or [b] of this subsection prevent approval of a preliminary subdivision plan or a site plan, the Department of Planning and Zoning may proceed with conditional review of the plan and place it on a waiting list arranged by date of completion of the review. Record plats, grading permits, and public works agreements for utilities or roads shall not be executed by the county until the plan for the project is removed from the waiting list and preliminary approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under Paragraphs (2)(a)[1][a] or [b] of this subsection no longer exists.
- [3] Exemptions. The provisions of this subsection shall not apply to transient housing, housing for the elderly and continuing care retirement communities.
- [4] Grandfathering. The provisions of this section concerning the adequacy of schools shall not apply to those developments which, as of the effective date of Bill No. 91-70 (4/6/92), have an approved preliminary plan.

[Section 267-104B.(2)(a), as follows, will become effective July 1, 2009, per Bill 05-45, As Amended.]

(a) Schools

- [1] Preliminary approval. Preliminary subdivision plans exceeding five lots and site plans for multi-family residential developments exceeding five dwelling units shall not be approved at locations where either of the following conditions exists:
- [a] The enrollment at the elementary school which serves the site is greater than 110% of the rated capacity, or is projected to be greater than 110% within 5 years; or

- [b] The enrollment of either the middle school or high school which serves the site is greater than 110% of the rated capacity or is projected to be greater than 110% within 5 years.
- [2] Conditional review. If Paragraphs (2)(a)[1][a] or [b] of this subsection prevent approval of a preliminary subdivision plan or a site plan, the Department of Planning and Zoning may proceed with conditional review of the plan and place it on a waiting list arranged by date of completion of the review. Record plats, grading permits, and public works agreements for utilities or roads shall not be executed by the county until the plan for the project is removed from the waiting list and preliminary approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under Paragraphs (2)(a)[1][a] or [b] of this subsection no longer exists.
 - [3] Exemptions. The provisions of this subsection shall not apply to transient housing, housing for the elderly and continuing care retirement communities.
 - [4] Grandfathering. The provisions of this section concerning the adequacy of schools shall not apply to those developments which, as of the effective date of Bill No. 91-70 (4/6/92), have an approved preliminary plan.
- (b) Sewerage.
- [1] The county sewerage system shall be considered adequate if, taking into consideration demands on the system generated or projected to be generated by existing connections, buildings under construction that will be connected to the system, all committed allocations evidenced by payment of area charges and connection fees, all unexpired public works utility agreements, all preliminary plans approved after the effective date of this subsection, and properties using individual sewerage systems that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed and construction plans completed:
 - [a] Collector system to serve the proposed development are designed to accommodate expected ultimate peak gravity flows from the development and other developable land within the drainage area;
 - [b] Interceptors to serve the proposed development have sufficient available capacity to accommodate expected peak gravity flows from the subdivision;

- [c] Pumping stations and force mains, receiving flows from the collector system in the drainage/service area, have sufficient available capacity to accommodate ultimate peak flows from the proposed development and other developable land within the drainage area;
 - [d] Pumping stations and force mains, receiving flows from interceptors to serve the proposed development, have sufficient available capacity to accommodate expected peak flow from the proposed development; and
 - [e] Treatment plant(s) have sufficient available capacity to accommodate expected annual average and maximum daily loadings from the proposed development.
- [2] The county sewerage system shall also be considered adequate if there is compliance with [1][a] and [1][c] of this subsection and the county has funded projects for the improvement of the facilities necessary to comply with requirements of [1][b], [d] and [e] of this subsection.
 - [3] The county sewerage system shall also be considered adequate if there is compliance with [1][e][2] of this subsection and the developer agrees to construct the improvements to the system to meet the requirements of [1][a], [b], [c] & [d] of this subsection, or the developer executes an agreement with the county for improvements to the system to meet the requirements of [1][a], [b], [c] and [d] of this subsection.
 - [4] If the county sewerage system is found to be inadequate, then preliminary subdivision plans exceeding five lots, site plans for multi-family residential developments exceeding five dwelling units, and extensions of previously approved preliminary subdivision plans shall not be approved.
 - [5] Conditional review -- If Paragraphs [1][a], [b], [c], [d] or [e] of this subsection prevents approval or the extension of a previous approval of a preliminary subdivision plan or site plan, the Department of Planning and Zoning may proceed with conditional review of the plan and place it on a waiting list arranged by date of completion of the review and, for previously approved plans, by date of the request for extension. Record plats, grading permits and public works agreements for utilities or roads shall not be executed by the county until the plan for the project is removed from the waiting list and preliminary approval or extension of the previous approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under Paragraphs [1][a], [b], [c], [d] or [e] of this subsection no longer exists.

- [6] Grandfathering -- Unless an extension of the approval of the plan is granted in accordance with the subdivision regulations, development conducted in accordance with a preliminary plan approved before the effective date of Council Bill 93-26 is exempt from the provisions of this subsection concerning the adequacy of the sewerage system. If an extension of the approval of the plan is granted, the development is subject to the provisions of this subsection concerning the adequacy of the sewerage system. If development is exempt from the provisions of this subsection concerning the adequacy of the sewerage system, execution of public works utility agreements for such development is subject to availability of capacity in the sewerage system at the time of application for the public works utility agreements.

(c) Water.

- [1] The county water system or community water system shall be considered adequate if, taking into consideration demands on the system generated or projected to be generated by existing connections, building under construction that will be connected to the system, all committed allocations evidenced by payment of area charges and connection fees, all unexpired public works utility agreements, all preliminary plans approved after the effective date of this subsection, and properties using individual water supply system that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed and construction plans completed:
- [a] The distribution system is capable of providing the required pressures and flows during the maximum day demand to the proposed development and the minimum required pressures for fire flows, as established in the County's water and sewer design guidelines and plumbing code;
 - [b] Booster stations and/or transmission mains in the service area have sufficient available capacity to provide maximum day demand and minimum required pressure for fire flow to the proposed development;
 - [c] Storage tanks in the service area have sufficient available capacity to provide peak hour demand in addition to fire flow to the proposed development;
 - [d] Source and treatment facilities in the service area have sufficient available capacity to provide maximum day demand to the proposed development.

- [2] The county water system or community water system shall also be considered adequate if the county or the operating entity has funded projects for the improvement of the facilities necessary to comply with the requirements of Paragraphs [1][a], [b], [c] and [d] of this subsection.
- [3] The county water system or community water system shall also be considered adequate if there is compliance with [1][c] and [d] of this subsection and the developer agrees to construct the improvements to the system to meet the requirements of [1][a], [b], [c] & [d] of this subsection, or the developer executes an agreement with the county or the operating entity for improvements to the system to meet the requirements of [1][a] and [b] of this subsection.
- [4] If the water system serving the proposed development is found to be inadequate, then preliminary subdivision plans exceeding five (5) lots, site plans for multi-family residential developments exceeding five dwelling units, and extensions of previously approved preliminary subdivision plans shall not be approved.
- [5] Conditional review -- if Paragraph [1][a], [b], [c] or [d] of this subsection prevents approval or the extension of a previous approval of a preliminary plan or site plan, the Department of Planning and Zoning may proceed with conditional review of the plan and place it on a waiting list arranged by date of completion of the review and, for previously approved plans, by date of the request for extension. Record plats, grading permits and public works agreements for utilities or roads shall not be executed by the county until the plan for the project is removed from the waiting list and preliminary approval or extension of the previous approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under Paragraphs [1][a], [b], [c] or [d] of this subsection no longer exists.
- [6] Grandfathering -- Unless an extension of the approval of the plan is granted in accordance with the subdivision regulations, development conducted in accordance with a preliminary plan approved before the effective date of Council Bill 93-26 is exempt from the provisions of this subsection concerning the adequacy of the water system. If an extension of the approval of the plan is granted, the development is subject to the provisions of this subsection concerning the adequacy of the water system. If development is exempt from the provisions of this subsection concerning the adequacy of the water system, execution of public works utility agreements for such development is subject to availability of capacity in the water system at the time of application for the public works utility agreements.

(d) Roads

- [1] Developments which generate more than 249 trips per day, based on the Institute of Transportation Engineers Trip Generation Manual (current edition), shall have prepared, by the subdivider, a Traffic Impact Analysis (TIA) study to determine the Level of Service (LOS) of road intersections within the study area. The Traffic Study shall conform to the requirements outlined in the Harford County TIA Guideline including:
 - [a] Expansion of the study area for developments which generate 1,500 or more trips per day; or
 - [b] Limiting the study area to 2 miles in all directions or to the area as identified in Paragraph [3], whichever is less.
- [2] At the request of and with justification submitted by the subdivider, the Director of Planning and Zoning, with the concurrence of the Department of Public Works, may eliminate from the Impact Study those intersections where the county staff find that there will be:
 - [a] Minimal impact on traffic; or
 - [b] Excessive distance between the first arterial road and next intersecting collector road.
- [3] Existing state and county roads shall be considered adequate to accommodate the traffic projected to be generated by the proposed development if:
 - [a] Inside the development envelope (the boundary designated as the planned growth area of Harford County as provided in the 1996 Land Use Element Plan)-the existing county and state roads in all directions from each point of entrance of the site through the intersection with the first arterial roadway to the next intersecting collector or higher functional classification road as defined by the Harford County Transportation Plan:
 - (i) Are capable of accommodating a projected Level of Service "D" or higher at the intersections as defined by the Highway Capacity Manual, Special Report 209, published by the Transportation Research Board.
 - [b] Outside the development envelope (the boundary designated as the planned growth area of Harford County as provided in the 1996 Land Use Element Plan)-the existing county and state roads in all

directions from each point of entrance of the site to the first intersection of a major collector or higher functional classification road as defined by the Harford County Transportation Plan;

- (i) Are capable of accommodating a projected Level of Service "C" or higher at the intersections as defined by the Highway Capacity Manual, Special Report 209, published by the Transportation Research Board.

[4] Capital projects with 100% of the construction costs allocated in the county's current year adopted capital improvement program or approved for construction in the current year state consolidated transportation program may be utilized in the traffic analysis. Necessary improvements identified in the TIA to meet the LOS standards in (D)[3] must be provided by the subdivider:

- [a] If the TIA determines that the existing LOS is "E" or lower at an intersection inside the development envelope, the subdivider needs only to mitigate the portion of trips generated from the subdivision site; or
 - [b] If the TIA determines that the existing LOS is "D" or lower at an intersection outside the development envelope, the subdivider needs only to mitigate the portion of trips generated from the subdivision site; and
 - [c] If the TIA determines a subdivider is subject to mitigate its portion of trips generated from the site, then the subdivider shall construct the improvements as stipulated by the Department of Public Works. In the event that the Department of Public Works determines that the subdivider is unable to provide the improvements because of the inability to acquire the necessary rights-of-way, the physical constraints of the property, or state or federal regulations, all of which are beyond the control of the subdivider, then the subdivider shall deposit into an escrow account with the county 125% of the funds necessary to cover the costs of the improvements as determined by the county. Said funds shall be deposited prior to issuance of a building permit. The county shall continue to hold the money in escrow until such time as the improvements are able to be constructed. In no event, however, shall the money be retained by the county for longer than 10 years from date of deposit.
- [5] Conditional review - if Paragraphs [3][a](i), or [b](i), of this subsection prevents approval or the extension of a previous approval of a preliminary subdivision plan or site plan, the Department of Planning

and Zoning may proceed with conditional review of the plan and place it on a waiting list arranged by date of completion of the review and, for previously-approved plans, by date of the request for extension. Record plats, grading permits and public works agreements for utilities or roads shall not be executed by the county until the plan for the project is removed from the waiting list and preliminary approval or extension is granted. Removal from the waiting list shall occur only when the condition that prevented approval under Paragraphs [3][a](i), or [b](i), of this subsection no longer exists.

- [6] Grandfathering - Unless an extension of the approval of the plan is granted in accordance with the Subdivision Regulations, development conducted in accordance with a preliminary plan approved before the effective date of Council Bill 94-36 is exempt from the provisions of this subsection concerning the adequacy of the roadways. If an extension of the approval of the plan is granted, the development is subject to the provisions of this subsection concerning the adequacy of the roadway system.
- (2) Non-residential development - Approval of non-residential development and site plans shall be subject to findings of adequate capacity based on the standards set in this subsection, and the current and projected use levels described in the annual growth report:
 - (a) Sewerage.
 - [1] The county sewerage system shall be considered adequate if, taking into consideration demands on the system generated or projected to be generated by existing connections, buildings under construction that will be connected to the system, all committed allocations evidenced by payment of area charges and connection fees, all unexpired public works utility agreements, all preliminary plans approved after the effective date of this subsection, and properties using individual sewerage system that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed and construction plans completed:
 - [a] Collectors system to serve the proposed development is designed to accommodate expected ultimate peak gravity flows from the development and other developable land within the drainage area;
 - [b] Interceptors to serve the proposed development have sufficient available capacity to accommodate expected peak gravity flows from the development;

- [c] Pumping stations and force mains, receiving flows from the collector system in the drainage/service area have sufficient available capacity to accommodate ultimate peak flows from the proposed development and other developable land within the drainage area;
 - [d] Pumping stations and force mains, receiving flows from interceptors to serve the proposed development, have sufficient available capacity to accommodate expected peak flow from the proposed development; and
 - [e] Treatment plant(s) have sufficient available capacity to accommodate expected annual average and maximum daily loadings from the proposed development.
- [2] The county sewerage system shall also be considered adequate if there is compliance with [1][a] and [c] of this subsection and the county has funded projects for the improvement of the facilities necessary to comply with requirements of [1][b], [d], and [e] of this subsection.
 - [3] The county sewerage system shall also be considered adequate if there is compliance with [1][e] of this subsection and the developer agrees to construct the improvements to the system to meet the requirements of [1][a], [b], [c] & [d] of this section, or the developer executes an agreement with the county for improvements to the system to meet the requirements of [1][a], [b], [c] and [d] of this subsection.
 - [4] If the county sewerage system is found to be inadequate, then preliminary subdivision plans, site plans, and extensions of previously approved preliminary subdivision plans shall not be approved.
 - [5] Conditional review - If paragraphs [1][a], [b], [c], [d] or [e] of this subsection prevents approval or the extension of a previous approval of a preliminary subdivision plan or site plan, the Department of Planning and Zoning may proceed with conditional review of the plan and place it on a waiting list arranged by date of completion of the review and, for previously approved plans, by date of the request for the extension. Record plats, grading permits and public works agreements for utilities or roads shall not be executed by the county until the plan for the project is removed from the waiting list and preliminary approval or extension of the previous approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under paragraphs [1][a], [b], [c], [d] or [e] of this subsection no longer exists.

- [6] Grandfathering - The provisions of this subsection concerning the adequacy of the sewerage system shall not apply to those developments, which, as of the effective date of this act have an approved preliminary plan or site plan; except that unless an extension of the approval of the plan is granted in accordance with the subdivision regulations, development conducted in accordance with a preliminary plan or site plan approved before the effective date of Council Bill 93-26 is exempt from the provisions of this subsection concerning the adequacy of the sewerage system. If an extension of the approval of the plan is granted, the development is subject to the provisions of this subsection concerning the adequacy of the sewerage system. If development is exempt from the provisions of this subsection concerning the adequacy of the sewerage system, execution of public works utility agreements for such development is subject to availability of capacity in the sewerage system at the time of application for the public works utility agreements.

(b) Water.

- [1] The county water system or community water system shall be considered adequate if, taking into consideration demands on the system generated or projected to be generated by existing connections, building under construction that will be connected to the system, all committed allocations evidenced by payment of area charges and connection fees, all unexpired public works utility agreements, all preliminary plans approved after the effective date of this subsection, and properties using individual water supply system that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed and construction plans completed:
- [a] The distribution system is capable of providing the required pressures and flows during the maximum day demand to the proposed development and the minimum required pressures for fire flows, as established in the county's water and sewer design guidelines and plumbing code;
 - [b] Booster stations and/or transmission mains in the service area have sufficient available capacity to provide maximum day demand and minimum required pressure for fire flow to the proposed development;
 - [c] Storage tanks in the service area have sufficient available capacity to provide peak hour demand in addition to fire flow to the proposed development;

- [d] Source and treatment facilities in the service area have sufficient available capacity to provide maximum day demand to the proposed development.
- [2] The county water system or community water system shall also be considered adequate if the county or the operating entity has funded projects for the improvement of the facilities necessary to comply with the requirements of Paragraphs [1][a], [b], [c] and [d] of this subsection.
- [3] The county water system or community water system shall also be considered adequate if there is compliance with [1][c] and [d] of this subsection and the developer agrees to construct the improvements to the system to meet the requirements of [1][a], [b], [c] & [d] of this section, or the developer executes an agreement with the county or the operating entity for improvements to the system to meet the requirements of [1][a] and [b] of this subsection.
- [4] If the water system serving the proposed development is found to be inadequate, then preliminary subdivision plans, site plans, and extensions of previously approved preliminary subdivision plans shall not be approved.
- [5] Conditional review - If paragraphs [1][a], [b], [c] or [d] of this subsection prevents approval or the extension of a previous approval of a preliminary plan or site plan, the Department of Planning and Zoning may proceed with conditional review of the plan and place it on a waiting list arranged by date of completion of the review and, for previously approved plans, by date of the request for extension. Record plats, grading permits and public works agreements for utilities or roads shall not be executed by the county until the plan for the project is removed from the waiting list and preliminary approval or extension of the previous approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under Paragraphs [1][a], [b], [c] or [d] of this subsection no longer exists.
- [6] Grandfathering - Unless an extension of the approval of the plan is granted in accordance with the subdivision regulations, development conducted in accordance with a preliminary plan or site plan approved before the effective date of Council Bill 93-26 is exempt from the provisions of this subsection concerning the adequacy of the water system. If an extension of the approval of the plan is granted, the development is subject to the provisions of this subsection concerning the adequacy of the water system. If development is exempt from the provisions of this subsection concerning the adequacy of the water system, execution of public works utility agreements for such

development is subject to availability of capacity in the water systems at the time of application for the public works utility agreements.

(c) Roads.

- [1] Developments which generate more than 249 trips per day, based on the Institute of Transportation Engineers Trip Generation Manual (current edition), shall have prepared, by the subdivider, a Traffic Impact Analysis (TIA) study to determine the Level of Service (LOS) of road intersections within the study area. The traffic study shall conform to the requirements outlined in the Harford County TIA Guideline including:
 - [a] Expansion of the study area for developments which generate 1,500 or more trips per day; or
 - [b] Limiting the study area to 2 miles in all directions or to the area as identified in Paragraph [3], whichever is less.
- [2] At the request of and with justification submitted by the subdivider, the Director of Planning and Zoning, with the concurrence of the Department of Public Works, may eliminate from the Impact Study those intersections and roadways where the county staff find that there will be:
 - [a] Minimal impact on traffic; or
 - [b] Excessive distance between the first arterial and next intersecting collector.
- [3] Existing state and county roads shall be considered adequate to accommodate the traffic projected to be generated by the proposed development if:
 - [a] Inside the development envelope-the existing county and state roads in all directions from each point of entrance of the site through the intersection with the first arterial roadway to the next intersecting collector or higher functional classification road as defined by the Harford County Transportation Plan:
 - (i) Are capable of accommodating a projected Level of Service "D" or higher at the intersections as defined by the Highway Capacity Manual, Special Report 209, published by the Transportation Research Board.

- [b] Outside the development envelope-the existing county and state roads in all directions from each point of entrance of the site to the first intersection of a major collector or higher functional classification road as defined by the Harford County Transportation Plan;
 - (i) Are capable of accommodating a projected Level of Service "C" or higher at the intersections as defined by the Highway Capacity Manual, Special Report 209, published by the Transportation Research Board.
- [4] Capital projects with 100% of the construction costs allocated in the county's current year adopted capital improvement program or approved for construction in the current year state consolidated transportation program may be utilized in the traffic analysis. Necessary improvements identified in the TIA to meet the LOS standards in (c)[3] must be provided by the subdivider:
 - [a] If the TIA determines that the existing LOS is "E" or lower at an intersection inside the development envelope, the subdivider needs only to mitigate the portion of trips generated from the subdivision site; or
 - [b] If the TIA determines that the existing LOS is "D" or lower at an intersection outside the development envelope, the subdivider needs only to mitigate the portion of trips generated from the subdivision site; and
 - [c] If the TIA determines a subdivider is subject to mitigate its portion of trips generated from the site, then the subdivider shall construct the improvements as stipulated by the Department of Public Works. In the event that the Department of Public Works determines that the subdivider is unable to provide the improvements because of the inability to acquire the necessary rights-of-way, the physical constraints of the property, or state or federal regulations, all of which are beyond the control of the subdivider, then the subdivider shall deposit into an escrow account with the county 125% of the funds necessary to cover the costs of the improvements as determined by the county. Said funds shall be deposited prior to issuance of a building permit. The county shall continue to hold the money in escrow until such time as the improvements are able to be constructed. In no event, however, shall the money be retained by the county for longer than 10 years from date of deposit.

- [5] Conditional review - If Paragraphs [3][a](i), or [b](i), of this subsection prevents approval or the extension of a previous approval of a preliminary subdivision plan or site plan, the Department of Planning and Zoning may proceed with conditional review of the plan and place it on a waiting list arranged by date of completion of the review and, for previously-approved plans, by date of the request for extension. Record plats, grading permits and public works agreements for utilities or roads shall not be executed by the county until the plan for the project is removed from the waiting list and preliminary approval or extension is granted. Removal from the waiting list shall occur only when the condition that prevented approval under Paragraphs [3][a](i), or [b](i), of this subsection no longer exists.
- [6] Grandfathering - Unless an extension of the approval of the plan is granted in accordance with the subdivision regulations, development conducted in accordance with a preliminary plan approved before the effective date of Council Bill 94-36 is exempt from the provisions of this subsection concerning the adequacy of the roadways. If an extension of the approval of the plan is granted, the development is subject to the provisions of this subsection concerning the adequacy of the roadway system.
- [7] Projects located within the Rte. 40 CRD developments which have their primary access directly onto U.S. Route 40 and do not generate more than 1,500 trips per day, based on the ITE Manual, shall not be required to submit a traffic impact analysis. Projects that generate more 1,500 trips must have a traffic impact analysis prepared and comply with all standards of this section. [Added by Bill 00-10]
- C. Appeal -- Notwithstanding anything to the contrary contained in this chapter or in the Harford County Subdivision Rules and Regulations, as amended, it is hereby determined that nothing contained in this section shall be subject to a variance, special exception, or an appeal to the hearing examiner or Board of Appeals. An aggrieved party may appeal to the Director of Administration in accordance with established procedures.
- D. The provisions of this section pertaining to adequate water and sewer facilities shall apply to the Harford County sanitary district and all sanitary subdistricts.
- E. Compliance with the Harford County Department of Public Works Water and Sewer Rules and Regulations addressing adequate capacity is required prior to execution of any public works agreement and/or issuance of any building permit.
- F. A developer shall not avoid the intent of this section by submitting piecemeal applications for preliminary or site plan approvals. This section applies when a parcel of land, as described in the land records of Harford County on the effective date of this Council Bill 93-23 is developed for non-residential use or a cumulative total of six residential dwelling

units/lots or more is created from the parcel. However, a developer may seek approval of only a portion of the subdivision or development, provided that the impact of all previously-approved preliminary or site plans from that development shall be considered during the adequate public facilities review of each subsequent portion of the development.

Part 7
Capital Improvement Program Map
[Adopted by Bill No. 77-21]

ARTICLE XXII
General Provisions

§ 267-105. Authority to develop.

Under the authority of this Part 7, the Department of Planning and Zoning shall annually develop a Capital Improvement Program Map for the county. The Department of Planning and Zoning may enlist the assistance of other county agencies that receive or disburse county funds in its formulation of a Capital Improvement Program Map.

§ 267-106. Contents.

The Capital Improvement Program Map shall have but not be limited to the following information:

- A. General location of past, present and future capital projects of the county and of any agency that receives or disburses county funds.
- B. Designation of schools, educational facilities, recreational facilities, parks, firehouses and health-care facilities, public buildings, maintenance buildings, waterlines, sewer lines, sewage treatment plants, pumping stations, roads, bridges and other capital projects in the county.

§ 267-107. Completion of annual map.

The Capital Improvement Program Map shall be completed within six (6) months from the effective date of each annual county budget.

§ 267-108. Designation of areas affected.

In developing the map, metes and bounds descriptions shall not be necessary, but the map shall designate the neighborhood or general areas in which existing and proposed capital developments are or shall be located.

§ 267-109. Public hearing.

The Department, through the Planning Advisory Board, before adopting the results of such studies as its Capital Improvement Program Map, shall hold a public hearing thereon, subject to at least ten (10) days notice printed for two (2) consecutive weeks in a newspaper with general circulation in the area covered by the survey.

§ 267-110. Submission of map to Council.

After the Planning Advisory Board hearing as provided in § 267-109, the Department shall transmit the Capital Improvement Program Map, in its original form or as modified, to the County Council for its rejection, approval or modification.

§ 267-111. Availability of copies.

Copies of the Capital Improvement Program Map shall be made available to the general public through the Department of Planning and Zoning and the Department of Public Works for a nominal charge to cover the costs of publication.

§ 267-112. Waiting period for issuance of permits, approvals and certificates.

After adoption of the Capital Improvement Program Map, no permits, approvals or zoning certificates shall be issued by any department of the county for subdivision, recordation of plats, building permits or improvements for a period of ninety (90) days after request, if the land, building, structure, private road or proposed improvement can be reasonably determined by the Department of Planning and Zoning to be within the area or neighborhood designated on the Capital Improvement Program Map for future capital improvement development. During such ninety-day period, the Department of Planning and Zoning, in conjunction with the various county agencies, shall determine whether the land, building, structure or improvement for which the permit, approval or certificate is sought is to be used as a site or portion of a site for a future capital project by the county or by an agency that receives or disburses county funds. If, at the expiration of such ninety-day period, the county fails to execute a valid contract of sale for purchase of such property or fails to institute condemnation proceedings, the permit, approval or certificate shall be issued, provided that the requirements of other applicable laws have been met. Nothing herein shall preclude the right of the county to purchase or institute condemnation proceedings at a later date.

APPENDIX B.

INDEX OF SPECIFIC USES OF THE CODE.

If you wish to find out if a particular use is permitted in a zoning district, this Appendix will simplify your task. It lists in alphabetical order (see Column 1) all uses mentioned in the *Code* and relates these uses to both the Specific Use-Line Entries (Column 2) and the General Category Headings (Column 3) by which uses are listed in Table 1 of this *Code* on Pages 95 through 117.

USE (1)	USE CLASSIFICATION IN TABLES	
	Specific Use-Line Entry Heading (2)	General Category Heading (3)
Abattoirs	Abattoirs	Warehousing and Wholesaling and Processing
Actuarial Services	Business Services	Services
Accountants	Professional Services	Services
Advertising Services	Business Services	Services
Agriculture	Agriculture	Natural Resources
Agricultural Products Processing	Agricultural Products Processing	Natural Resources
Agricultural Research Laboratories	Agricultural Research Laboratories	Natural Resources
Aircraft Landing and Storage	Aircraft Landing and Storage	Transportation, Communications and Utilities
Airports	Airports	Transportation, Communications and Utilities
Ambulance Services	Ambulance Services	Transportation, Communications and Utilities
Antique Shops	Antique Shops	Retail Trade
Apartments	Dwellings	Residential: Conventional Development with Open Space (COS) and Planned Residential Development (PRD)
Apparel and Accessories	Shoppers Merchandise	Retail Trade
Apparel and Textile Products (SIC 23)	Apparel and Textile Products (SIC 23)	Industrial
Arcades	Commercial Amusements	Amusements
Architects	Professional Services	Services
Arenas	Arenas	Amusements
Art Galleries	Art Galleries	Retail Trade
Asbestos Products (SIC 3292)	Asbestos Products (SIC 3292)	Industrial
Assembly Halls	Assembly Halls	Institutional
Auction Houses	Auction Houses	Retail Trade
Automobile Repair Shop	Motor Vehicle Repair Shop	Motor Vehicles and Related Services
Automobile, Sales and Service	Motor Vehicle Sales and Service	Motor Vehicles and Related Services
Automobile Supplies	Shoppers Merchandise	Retail Trade
Bakeries (under 7,500 sq.ft.)	Convenience Goods Store	Retail Trade
Bakery Products (SIC 205)	Bakery Products (SIC 205)	Industrial
Bars and Taverns	Bars and Taverns	Amusements
Beauty Shops	Personal Services	Services
Biological Products (SIC 2831)	Biological Products (SIC 2831)	Industrial
Blacksmith	Blacksmith	Services
Blast Furnaces (SIC 3312)	Blast Furnaces (SIC 3312)	Industrial
Blueprinting and Photocopying	Business Services	Services
Boarding Homes	Boarding Homes	Residential: Transient Housing
Boat Building and Repairing (SIC 3732)	Boat Building and Repairing (SIC 3732)	Industrial
Boat Launching, Storage and Repair	Boat Launching, Storage and Repair	Amusements
Book Stores	Specialty Shops	Retail Trade

USE (1)	USE CLASSIFICATION IN TABLES	
	Specific Use-Line Entry Heading (2)	General Category Heading (3)
Bottled and Canned Soft Drinks (SIC 2086)	Bottled and Canned Soft Drinks	Industrial (SIC 2086)
Bottling Plants	Bottling Plants	Warehousing, Wholesaling and Processing
Bowling Alleys	Commercial Amusement	Amusements
Bus Depot	Bus Depot	Transportation, Communications and Utilities
Business Equipment Sales and Service	Shoppers Merchandise	Retail Trade
Business Services	Business Services	Services
Camps	Camps	Residential: Transient Housing
Candle Shop	Specialty Shops	Retail Trade
Candy, Nut and Confection Shops	Convenience Good Stores	Retail Trade
Canning	Preserved Fruit and Vegetables (SIC 203)	Industrial
Car Wash	Car Wash	Motor Vehicles and Related Services
Carpentry and Wood Flooring Services	Construction Services	Services
Carpet or Rug Cleaning	Carpet or Rug Cleaning	Warehousing, Wholesaling and Processing
Catalog Showrooms	Shoppers Merchandise	Retail Trade
Catering	Business Services	Services
Cemeteries, Memorial Gardens and Crematories	Cemeteries, Memorial Gardens and Crematories	Institutional
Chemicals and Allied Products (SIC 28)	Chemicals and Allied Products (SIC 28)	Industrial
China and Glassware	Shoppers Merchandise	Retail Trade
Chiropractors	Professional Services	Services
Christmas Tree Sales	Christmas Tree Sales	Retail Trade
Churches	Houses of Worship	Institutional
Civic Service Clubs	Civic Service Clubs	Institutional
Clothing Alteration	Personal Services	Services
Commercial Art	Shoppers Merchandise	Retail Trade
Commercial Schools	Commercial Schools	Retail Trade
Commercial Vehicle and Equipment, Storage	Commercial vehicle and Equipment, Storage	Motor Vehicles and Related Services
Communication and Broadcasting Towers and Stations	Communication and Broadcasting Towers and Stations	Transportation, Communication and Utilities
Communication Equipment (SIC 366)	Communication Equipment (SIC 366)	Industrial
Communications Equipment Sales and Service	Shoppers Merchandise	Retail Trade
Community Centers	Community Centers	Institutional
Construction and Related Equipment (SIC 353)	Construction and related Equipment (SIC 353)	Industrial
Construction Equipment Sales and Service	Construction Equipment Sales and Service	Motor Vehicles and Related Services
Construction Services and Suppliers	Construction Services and Suppliers	Services
Convenience Goods Stores	Convenience Goods Stores	Retail Trade
Cosmetic Shop	Specialty Shops	Retail Trade

USE (1)	USE CLASSIFICATION IN TABLES	
	Specific Use-Line Entry Heading (2)	General Category Heading (3)
Cottage Homes	Cottage Houses	Residential: Transient Housing
Country Clubs	Country Clubs	Amusements
Country Inns	Country Inns	Residential: Transient Housing
Creamery, Cold Storage	Creamery, Cold Storage	Warehousing, Wholesaling and Processing
Credit Reporting and Collection	Business Services	Services
Dairy Products (SIC 202)	Dairy Products (SIC 202)	Industrial
Dairy Product Stores	Convenience Goods Stores	Retail Trade
Dance Studio	Personal Services	Services
Data Processing	Business Services	Services
Day Care Centers	Day Care Centers	Institutional
Delicatessens	Convenience Goods Stores	Retail Trade
Dental Clinics	Health Services	Services
Dental Laboratories	Health Services	Services
Dentists	Professional Services	Services
Department Stores	Shoppers Merchandise	Retail Trade
Discount Stores	Shoppers Merchandise	Retail Trade
Detective and Protection Service	Business Services	Services
Diaper Services	Personal Services	Services
Doctors	Professional Services	Services
Doughnut Shop	Convenience Good Stores	Retail Trade
Draperies, Fabrics and Reupholstery	Shoppers Merchandise	Retail Trade
Drug Stores	Convenience Goods Stores	Retail Trade
Dry Cleaning	Dry Cleaning	Warehousing, Wholesaling and Utilities
Dwellings	Dwellings	Residential: Conventional, Conventional Development with Open Space, or Planned Residential Development
Electric and Electronic Equipment (SIC 36)	Electric and Electronic Equipment (SIC 36)	Industrial
Electrical Services	Construction Services	Services
Electrical Transmission Lines	Electrical Transmission Lines	Transportation, Communications, and Utilities
Electrometallurgical Products (SIC 3313)	Electrometallurgical Products (SIC 3313)	Industrial
Electronic Components and Accessories (SIC 367)	Electronic Components and Accessories (SIC 367)	Industrial
Energy System Services and Products	Construction Services	Services
Engineers	Professional Services	Services
Engines and Turbines (SIC 351)	Engines and Turbines (SIC 351)	Industrial
Fabricated Plate Work (SIC 3443)	Fabricated Plate Work (SIC 34)	Industrial
Fabricated Metal Products (SIC 34)	Fabricated Metal Products (SIC 34)	Industrial
Fabricated Structural Metal (SIC 3441)	Fabricated Structural Metal (SIC 3441)	Industrial
Fairgrounds	Fairgrounds	Amusements

USE (1)	USE CLASSIFICATION IN TABLES	
	Specific Use-Line Entry Heading (2)	General Category Heading (3)
Farm and Garden Supplies	General Merchandise	Retail Trade
Farm Machinery and Equipment (SIC 352)	Farm Machinery and Equipment (SIC 352)	Industrial
Farm Vehicles and Equipment	Sales and Service	Motor Vehicles and Related Services
Farmers Co-ops	Farmers Co-ops	Retail Trade
Feed and Grain Mills	Feed and Grain Mills	Retail Trade
Fertilizers, Mixing Only (SIC 2875)	Fertilizers, Mixing Only (SIC 2875)	Industrial
Filling Stations	Motor Vehicle Filling and Service Station	Motor Vehicles and Related Services
Financial Services	Financial Services	Services
Fire Stations	Fire Stations	Institutional
Fish Hatcheries	Agriculture	Natural Resources
Flat Glass (SIC 321)	Flat Glass (SIC 321)	Industrial
Flavoring Extracts and Syrups (SIC 2087)	Flavoring Extracts and Syrups (SIC 2087)	Industrial
Floor Covering	Shoppers Merchandise	Retail Trade
Florist Shop	Specialty Shop	Retail Trade
Food and Kindred Products (SIC 20)	Food and Kindred Products (SIC 20)	Industrial
Food Containers (SIC 244)	Food Containers (SIC 244)	Industrial
Forestry	Forestry	Natural Resources
Fraternal Organizations	Fraternal Organizations	Institutional
Freight Terminal	Freight Terminal	Transportation, Communications and Utilities
Fruit and Vegetable Stores	Convenience Good Stores	Retail Trade
Funeral Homes	Funeral Homes	Services
Fur Repair and Storage	Personal Services	Services
Furniture	Shoppers Merchandise	Retail Trade
Furniture and Fixtures (SIC 25)	Furniture and Fixtures (SIC 25)	Industrial
Gas Stations	Motor Vehicle Filling and Service Stations	Motor Vehicle and Related Services
General Contracting	Construction Services	Services
General Merchandise Stores	General Merchandise Stores	Retail Trade
Gift Shop	Specialty Shop	Retail Trade
Glass and Glassware, Pressed and Blown (SIC 322)	Glass and Glassware, Pressed or Blown (SIC 322)	Industrial
Glass Products, or Purchased Glass (SIC 323)	Glass Products, of Purchased Glass (SIC 323)	Industrial
Golf Clubs	Golf Clubs	Amusements
Golf Driving Range	Golf Driving Range	Amusements
Greenhouses and Nurseries, Commercial	Greenhouses and Nurseries, Commercial	Natural Resources
Grocery and Food Stores	Convenience Goods Stores	Retail Trade
Group Homes	Group Homes	Residential: Transient Housing

USE (1)	USE CLASSIFICATION IN TABLES	
	Specific Use-Line Entry Heading (2)	General Category Heading (3)
Gymnasiums	Commercial Amusements	Amusements
Hardware	Shoppers Merchandise	Retail Trade
Health Clubs	Commercial Amusements	Amusements
Helistop	Helistop	Transportation, Communications, and Utilities
Highway Maintenance Facility	Highway Maintenance Facility	Transportation, Communications, and Utilities
Health Services	Health Services	Services
Hobby and Craft Supply Shop	Specialty Shop	Retail Trade
Home Appliances and Furnishings	Shoppers Merchandise	Retail Trade
Hospitals	Hospitals	Institutional
Hospital Supplies	Health Services	Services
Hotels	Hotels	Residential: Transient Housing
Houses	Dwellings	Residential: Conventional, Conventional Development with Open Space (COS) and Planned Residential Development (PRD)
Ice Storage Houses	General Merchandise	Retail Trade
Import Shops	Specialty Shops	Retail Trade
Industrial Equipment	Sales and Service	Motor Vehicles and Related Services
Industrial Laundry	Industrial Laundry	Warehousing, Wholesaling and Processing
Instruments and Related Products (SIC 38)	Instruments and Related Products (SIC 38)	Industrial
Insurance	Financial, Insurance and Real Estate Services	Services
Interior Decorating	Personal Services	Services
Interstate and Intrastate Pipelines	Interstate and Intrastate Pipelines	Transportation, Communications, and Utilities
Janitorial Services	Business Services	Services
Jewelry Shops	Specialty Shops	Retail Trade
Junk Yards	Junk Yards	Motor Vehicles and Related Services
Kennels	Kennels	Services
Key Shops	Specialty Shops	Retail Trade
Lab Research, Experimental or Testing	Lab Research, Experimental or Testing	Warehousing, Wholesaling and Processing
Laundromat	Personal Services	Services
Lawyers	Professional Services	Services
Leather and Leather Products (SIC 31)	Leather and Leather Products (SIC 31)	Industrial
Leather Tanning and Finishing (SIC 3111)	Leather Tanning and Finishing (SIC 3111)	Industrial
Libraries	Libraries	Institutional
Linen Supply	Personal Services	Services
Liquor Stores	Liquor Stores	Retail Trade
Lounges	Lounges	Amusements

USE (1)	USE CLASSIFICATION IN TABLES	
	Specific Use-Line Entry Heading (2)	General Category Heading (3)
Lubricating Oils and Greases (SIC 2992)	Lubricating Oils and Greases (SIC 2992)	Industrial
Luggage and Leather Goods	Shoppers Merchandise	Retail Trade
Lumber and Building Materials	General Merchandise	Retail Trade
Lumber and Wood Products (SIC 24)	Lumber and Wood Products (SIC 24)	Industrial
Machinery, except Electrical (SIC 35)	Machinery, except Electrical (SIC 35)	Industrial
Manufactured Homes	Dwellings	Residential: Conventional, Conventional Development with Open Space, or Planned Residential Development
Manufactured Ice (SIC 2097)	Manufactured Ice (SIC 2097)	Industrial
Marinas	Marinas	Amusements
Marine Equipment Sales and Service	General Merchandise	Retail Trade
Martial Srts Clubs and Schools	Commercial Amusements	Amusements
Masonry	Construction Services	Services
Meat and Fish Stores	Convenience Goods Stores	Retail Trade
Medical Clinics	Medical Clinics	Services
Medical Laboratories Medicinals and Chemicals (SIC 2832)	Health Services Medicinals and Chemicals (SIC 2832)	Services
Metal Forgings and Stampings (SIC 346)	Metal Forgings and Stampings (SIC 346)	Industrial
Metal Stampings NEC (SIC 3469)	Metal Stampings NEC (SIC 3469)	Industrial
Mineral Extraction and Processing	Mineral Extraction and Processing	Industrial
Miniature Golf Courses	Commercial Amusements	Natural Resources
Miscellaneous Chemical Plants (SIC 289)	Miscellaneous Chemical Plants (SIC 289)	Amusements
Miscellaneous Converted Paper Products (SIC 264)	Miscellaneous Converted Paper Products (SIC 264)	Industrial
Miscellaneous Electrical Machinery (SIC 369)	Miscellaneous Electrical Machinery (SIC 369)	Industrial
Miscellaneous Fabricated Metal Products (SIC 349)	Miscellaneous Fabricated Metal Products (SIC 349)	Industrial
Miscellaneous Manufacturing (SIC 39)	Miscellaneous Manufacturing (SIC 39)	Industrial
Mobile Home Development	Mobile Home Development	Residential: Planned Residential Development (PRD)
Mobile Homes	Dwellings	Residential: Conventional, Conventional Development with Open Space (COS) and Planned Residential Development (PRD)
Morticians	Morticians	Services
Motels	Motels	Residential: Transient Housing
Motion Picture Distribution and Services	Business Services	Services
Motor Vehicle Recreation	Motor Vehicle Recreation	Amusements
Motor Vehicle Rental and Leasing	Motor Vehicle Rental and Leasing	Motor Vehicles and Related Services
Motor Vehicle Repair Shops	Motor Vehicle Repair Shops	Motor Vehicles and Related Services
Motor Vehicle, Sales and Service	Motor Vehicle, Sales and Service	Motor Vehicles and Related Services
Music Studio	Personal Services	Services

USE (1)	USE CLASSIFICATION IN TABLES	
	Specific Use-Line Entry Heading (2)	General Category Heading (3)
Musical Instruments and Supplies	Shoppers Merchandise	Retail Trade
Nautilus Clubs	Commercial Amusements	Amusements
Newspaper and Magazine Shops	Specialty Shops	Retail Trade
Newspaper Printing Shop (SIC 271)	Newspaper Printing Shop (SIC 271)	Industrial
Night Clubs	Night Clubs	Amusements
Non Metallic Mineral Products (SIC 3299)	Non Metallic Mineral Products (SIC 3299)	Industrial
Novelty Shops	Specialty Shops	Retail Trade
Nursing Homes	Nursing Homes	Residential: Transient Housing
Offal or Dead Animal Disposal or Processing	Offal or Dead Animal Disposal or Processing	Industrial
Office, Computing and Accounting Machines (SIC 357)	Office, Computing and Accounting Machines (SIC 357)	Industrial
Office or Business Equipment Rental and Leasing	Business Services	Services
Opticians	Health Services	Services
Optometrists	Professional Services	Services
Ordnance and Accessories (SIC 348)	Ordnance and Accessories (SIC 348)	Industrial
Osteopaths	Professional Services	Services
Outpatient Clinics	Health Services	Health Services
Paint and Wall Coverings	Shoppers Merchandise	Retail Trade
Paper and Allied Products (SIC 26)	Paper and Allied Products (SIC 26)	Industrial
Paper Bond Containers and Boxes (SIC 265)	Paper Bond Containers and Boxes (SIC 265)	Industrial
Parks	Parks	Institutional
Party Supplies	Shoppers Merchandise	Retail Trade
Personal Services	Personal Services	Services
Pet Grooming	Pet Grooming	Services
Pet Shops	Specialty Shops	Retail Trade
Petroleum and Coal Products (SIC 29)	Petroleum and Coal Products (SIC 29)	Industrial
Petroleum and Gas Products, Sales and Storage	Petroleum and Gas Products, Sales and Storage	Warehousing, Wholesaling and Processing
Petroleum Refining (SIC 291)	Petroleum Refining (SIC 291)	Industrial
Pharmaceutical Preparations (SIC 2834)	Pharmaceutical Preparations (SIC 2834)	Industrial
Photo Finishing	Business Services	Services
Photographic Equipment, Sales and Service	Shoppers Merchandise	Retail Trade
Photographic Shops	Specialty Shops	Retail Trade
Photography Studio	Personal Services	Services
Plumbing, Heating and Air Conditioning Services	Construction Services	Services
Pool Halls	Commercial Amusements	Amusements
Power and Regeneration Plants	Power and Regeneration Plants	Transportation, Communications and Utilities

USE (1)	USE CLASSIFICATION IN TABLES	
	Specific Use-Line Entry Heading (2)	General Category Heading (3)
Preserved Fruits and Vegetables (SIC 203)	Preserved Fruits and Vegetables (SIC 203)	Industrial
Primary Metal Industries (SIC 33)	Primary Smelting and Refining (SIC 333)	Industrial
Primary Smelting and Refining (SIC 333)	Primary Smelting and Refining (SIC 333)	Industrial
Printing and Publishing (SIC 27)	Printing and Publishing (SIC 27)	Industrial
Prisons	Prisons	Institutional
Professional Services	Professional Services	Services
Public Utility Facilities	Public Utility Facilities	Transportation, Communications and Utilities
Racetracks	Racetracks	Amusements
Racquet Ball Club	Commercial Amusement	Amusements
Radio and Television Receiving Sets (SIC 365)	Radio and Television Receiving Sets (SIC 365)	Industrial
Radios, Records and Tapes	Shoppers Merchandise	Retail Trade
Real Estate	Real Estate	Services
Reclaimed Rubber (SIC 3031)	Reclaimed Rubber (SIC 3031)	Industrial
Recreation Areas, Centers and Facilities	Recreation Areas, Center and Facilities	Institutional
Recreation Vehicle Parks	Recreation Vehicle Parks	Residential: Transient Housing
Resorts	Resorts	Residential: Transient Housing
Restaurants	Restaurants	Services
Retreats	Retreats	Residential: Transient Housing
Riding Stables	Riding Stables	Amusements
Rifle and Archery Range	Rifle and Archery Range	Amusements
Stone Monument Sales	General Merchandise	Retail Trade
Stonework	Construction Services	Services
Supermarkets	Shoppers Merchandise	Retail Trade
Swim Club	Swim Club	Amusements
Tack Shops	Specialty Shops	Retail Trade
Tag and Title Services	Business Services	Services
Taxi Stands	Taxi Stands	Transportation, Communications and Utilities
Telecommunications	Business Services	Services
Television and Stereo Sales and Service	Shoppers Merchandise	Retail Trade
Tennis Club	Commercial Amusement	Amusements
Terminals	Terminals	Transportation, Communications and Utilities
Textile Mill Products (SIC 22)	Textile Mill Products (SIC 22)	Industrial
Theaters: Indoor	Theaters – Indoor	Amusements
Theaters: Outdoor	Theaters – Outdoor	Amusements
Theme Parks	Theme Parks	Amusements
Tilesetting and Plastering Services	Construction Services	Services

USE (1)	USE CLASSIFICATION IN TABLES	
	Specific Use-Line Entry Heading (2)	General Category Heading (3)
Tires and Inner Tubes (SIC 301)	Tires and Inner Tubes (SIC 301)	Industrial
Tobacco Manufactures (SIC 21)	Tobacco Manufactures (SIC 21)	Industrial
Tobacco Shops (Specialty Shops)	Tobacco Shops (Specialty Shops)	Retail Trade
Toilet Preparations (SIC 2844)	Toil Preparations (SIC 2844)	Industrial
Tourist Homes	Tourist Homes	Residential: Transient Housing
Toys and Game Shops	Shoppers Merchandise	Retail Trade
Train Stations	Train Stations	Transportation, Communication and Utilities
Transportation Equipment (SIC 37)	Transportation Equipment (SIC 37)	Industrial
Truck Stops	Truck Stops	Transportation, Communications and Utilities
Trap and Skeet Range	Trap and Skeet Range	Amusements
Variety Stores	Shoppers Merchandise	Retail Trade
Veterinary Clinic or Hospital	Veterinary Clinic or Hospital	Services
Warehousing and Wholesaling, Processing and Distribution	Warehousing and Wholesaling, Processing and Distribution	Warehousing, Wholesaling and Processing
Watch and Jewelry Repair	Personal Services	Services
Wildlife Refuge	Wildlife Refuge	Natural Resources
Window Cleaning	Business Services	Services
Wine and Cheese Shops	Specialty Shops	Retail Trade
Wood Products (SIC 2499)	Wood Products (SIC 2499)	Industrial
Wood Kitchen Cabinets (SIC 2434)	Wood Kitchen Cabinets (SIC 2434)	Industrial

APPENDIX C.

STANDARD INDUSTRIAL CLASSIFICATION (SIC):

SHORT TITLE LIST

MANUFACTURING

20 FOOD AND KINDRED PRODUCTS

201 Meat Products

- 2011 Meat packing plants
- 2013 Sausages and other prepared meat
- 2015 Poultry, slaughtering & processing

202 Dairy Products

- 2021 Creamery butter
- 2022 Cheese, natural and processed
- 2023 Condensed and evaporated milk
- 2024 Ice cream and frozen desserts
- 2026 Fluid milk

203 Preserved Fruits and Vegetables

- 2032 Canned specialties
- 2033 Canned fruits and vegetables
- 2034 Dehydrated fruits, vegetables, soups
- 2035 Pickles, sauces, and salad dressings
- 2037 Frozen fruits and vegetables
- 2038 Frozen specialties, NEC

204 Grain Mill Products

- 2041 Flour and other grain products
- 2043 Cereal breakfast foods
- 2044 Rice milling
- 2045 Prepared flour mixes & dough
- 2046 Wet corn milling
- 2047 Dog and cat food
- 2048 Prepared feeds

205 Bakery products

- 2051 Bakery products
- 2052 Cookies and crackers
- 2053 Frozen bakery products, exc. bread

206 Sugar and Confectionery Products

- 2061 Raw cane sugar
- 2062 Cane sugar refining
- 2063 Beet sugar
- 2064 Candy & confectionery products
- 2066 Chocolate and cocoa products
- 2067 Chewing gum
- 2068 Nuts and seeds

207 Fats and oils

- 2074 Cottonseed oil mills
- 2075 Soybean oil mills
- 2076 Vegetable oil mills, NEC
- 2077 Animal and marine fats and oils
- 2079 Shortening and cooking oils, NEC

208 Beverages

- 2082 Malt beverages
- 2083 Malt
- 2084 Wines, brandy, and brandy spirits
- 2085 Distilled & blended liquor
- 2086 Bottled and canned carbonated drinks
- 2087 Flavored extracts and syrups, NEC

209 Misc. Foods and Kindred Products

- 2091 Canned and cured fish and seafoods
- 2092 Fresh and frozen packaged seafood
- 2095 Roasted coffee
- 2096 Potato chips, corn chips & snacks
- 2097 Manufactured ice
- 2098 Macaroni, spaghetti, etc.
- 2099 Food preparations, NEC

21 TOBACCO MANUFACTURERS

211 Cigarettes

- 2111 Cigarettes

212 Cigars

- 2121 Cigars

213 Chewing and Smoking Tobacco

- 2131 Chewing and smoking tobacco

214 Tobacco stemming and redrying

- 2141 Tobacco stemming and redrying

22 TEXTILE MILL PRODUCTS

221 Broadwoven Fabric Mills, Cotton

- 2211 Broadwoven fabric mills, cotton

222 Broadwoven Fabric Mills, Synthetics

- 2221 Broadwoven fabric mills, synthetics

223 Broadwoven Finishing Mills, Wool

- 2231 Broadwoven finishing mills, wool

224 Narrow Fabric Mills

- 2241 Narrow fabric mills

225 Knitting Mills

- 2251 Women's hosiery, except socks
- 2252 Hosiery, NEC
- 2253 Knit outerwear mills
- 2254 Knit underwear mills
- 2257 Circular knit fabric mills
- 2258 Lace and warp knit fabric mills
- 2259 Knitting mills, NEC

226 Textile Finishing, Except Wool

- 2261 Finishing plants, cotton
- 2262 Finishing plants, synthetics
- 2269 Finishing plants, NEC

227 Carpets and Rugs

- 2273 Carpets and rugs

228 Yarn and Thread Mills

- 2281 Yarn mills
- 2282 Throwing and winding mills
- 2284 Thread mills

229 Miscellaneous Textile Goods

- 2295 Coated fabrics, not rubberized
- 2296 Tire cord and fabric
- 2297 Nonwoven fabrics
- 2298 Cordage and twine
- 2299 Textile goods, NEC

23 APPAREL AND OTHER TEXTILE PRODUCTS**231 Men's and Boys' Suits, Coats and Overcoats**

- 2311 Men's and boys' suits, coats and overcoats

232 Men's and Boys' Furnishings

- 2326 Men's and boys' work clothing
- 2329 Men's and boys' clothing, NEC

233 Women's, Misses' and Juniors' Outerwear

- 2331 Women's, misses, & jrs' blouses & shirts
- 2335 Women's, misses, & jrs' dresses
- 2337 Women's, misses, & jrs' suits and coats
- 2339 Women's, misses, & jrs' outerwear, NEC

234 Women's and Children's undergarments

- 2341 Women's, children's, infants underwear
- 2342 Brassieres, girdles, and allied garments

235 Hats, Caps, and Millinery

- 2353 Hats, caps, and millinery

236 Girls', Children's & Infants' Outerwear

- 2361 Girls', children's, infants' dresses, blouses, and skirts
- 2369 Children's outerwear, NEC

237 Fur Goods

- 2371 Fur goods

238 Miscellaneous Apparel and Accessories

- 2381 Dress & work gloves except knit and all leather
- 2384 Robes and dressing gowns
- 2385 Waterproof outer garments
- 2386 Leather and sheep lined clothing
- 2387 Apparel belts
- 2389 Apparel and accessories, NEC

239 Misc. Fabricated Textile Products

- 2391 Curtains and draperies
- 2392 Housefurnishings
- 2393 Textile bags
- 2394 Canvas and related products
- 2395 Pleating, stitching, & tucking
- 2396 Automotive and apparel trimmings
- 2397 Schiffli machine embroideries
- 2399 Fabricated textile products, NEC

24 LUMBER AND WOOD PRODUCTS**241 Logging**

- 2411 Logging

242 Sawmills and Planing Mills

- 2421 Sawmills and planing mills, general
- 2426 Hardwood dimension and flooring mills
- 2429 Special product sawmills, NEC

243 Millwork, Veneer, Plywood & Structural Wood

- 2431 Millwork
- 2434 Wood kitchen cabinets
- 2435 Hardwood veneer and plywood
- 2436 Softwood veneer and plywood
- 2439 Structural wood members, NEC

244 Wood Containers

- 2441 Nailed & lock corner boxes & shook
- 2448 Wood pallets and skids
- 2449 Wood containers, NEC

245 Wood Buildings and Mobile Homes

- 2451 Mobile homes
- 2452 Prefabricated wood buildings

249 Miscellaneous Wood Products

- 2321 Men's and boys' shirts, except work shirts
- 2322 Men's and boys' under & nightwear
- 2323 Men's and boys' neckwear
- 2325 Men's and boys' separate trousers

- 2491 Wood preserving

- 2493 Reconstituted wood products

- 2499 Wood products, NEC

25 FURNITURE AND FIXTURES**251 Household Furniture**

- 2511 Wood household furniture
- 2512 Upholstered household furniture
- 2514 Metal household furniture
- 2515 Mattresses and bed springs
- 2517 Wood TV and radio cabinets
- 2519 Household furniture, NEC

252 Office Furniture

- 2521 Wood office furniture
- 2522 Metal office furniture

253 Public Building & Related Furniture

- 2531 Public building & related furniture

254 Partitions and Fixtures

- 2541 Wood partitions and fixtures
- 2542 Metal partitions and fixtures

259 Miscellaneous Furniture and Fixtures

- 2591 Drapery hardware & blinds & shades
- 2599 Furniture and fixtures, NEC

26 PAPER AND ALLIED PRODUCTS**261 Pulp Mills**

- 2611 Pulp mills

262 Paper Mills

- 2621 Paper mills

263 Paperboard Mills

- 2631 Paperboard mills

265 Paperboard Containers and Boxes

- 2652 Setup paperboard boxes
- 2653 Corrugated and solid fiber boxes
- 2655 Fiber cans, tubes, drums & similar prod.
- 2656 Sanitary food containers, except folding
- 2657 Folding paperboard containers

267 Converted Paper & Paperboard Products, except Containers and Boxes

- 2671 Packaging paper and plastics film, coated and laminated
- 2672 Coated & laminated paper, NEC
- 2673 Plastics, foil and coated paper bags
- 2674 Uncoated paper & multiwall bags
- 2675 Die-cut paper & paperboard & cardboard
- 2676 Sanitary paper products
- 2677 Envelopes
- 2678 Stationery, tables, & related products
- 2679 Converted paper and paperboard products, NEC

27 PRINTING, PUBLISHING & ALLIED INDUSTRIES**271 Newspapers: Publishing and/or Printing**

- 2711 Newspapers: Publishing and/or printing

272 Periodicals: Publishing and/or Printing

- 2721 Periodicals: Publishing and/or printing

- 273 Books**
 - 2731 Books: Publishing and printing
 - 2732 Book printing
- 274 Miscellaneous Publishing**
 - 2741 Miscellaneous publishing
 - 2761 Manifold business forms
- 277 Greeting Cards**
 - 2771 Greeting cards
- 278 Blank books, Looseleaf Binders, and Bookbinding and Related Work**
 - 2782 Blank books, looseleaf binders & devices
 - 2789 Bookbinding and related work
- 279 Service Industries for the Printing Trade**
 - 2791 Typesetting
 - 2796 Plate-making & related services
- 28 CHEMICALS AND ALLIED PRODUCTS**
 - 281 Industrial Inorganic Chemicals**
 - 2812 Alkalies and chlorine
 - 2813 Industrial gases
 - 2816 Inorganic pigments
 - 2819 Industrial inorganic chemicals, NEC
 - 282 Plastic Materials & Synthetic Resins, Synthetic Rubber, Cellulosic & Other Manmade Fibers, Except Glass**
 - 2821 Plastics materials, synthetic resins, and nonvulcanizable elastomers
 - 2822 Synthetic Rubber (Vulcanizable elastomers)
 - 2823 Cellulosic manmade fibers
 - 2824 Manmade organic fibers, exc. cellulosic
 - 283 Drugs**
 - 2833 Medicinal chemicals & botanical products
 - 2834 Pharmaceutical preparations
 - 2835 In vitro & in vivo diagnostic substances
 - 2836 Biological substances, except diagnostic substances
 - 284 Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Toilet Preparations**
 - 2841 Soap & other detergents, exc. specialty
 - 2842 Specialty cleaning, polishing & sanitation preparations
 - 2843 Surface active agents, finishing agents, sulfonated oils, and assistants
 - 2844 Perfumes, cosmetics & other toilet preparations
 - 285 Paints, Varnishes, Lacquers, Enamels, and Allied Products**
 - 2851 Paints, varnishes, lacquers, enamels, and allied products
 - 286 Industrial Organic Chemicals**
 - 2861 Gum and wood chemicals
 - 2865 Cyclic organic crudes & intermediates, & organic dyes & pigments
 - 2869 Industrial organic chemicals, NEC
 - 287 Agricultural Chemicals**
 - 2873 Nitrogenous fertilizers
 - 2874 Phosphatic fertilizers
 - 2875 Fertilizers, mixing only
 - 2879 Pesticides & agricultural chemicals, NEC
 - 289 Miscellaneous Chemical Products**
- 275 Commercial Printing**
 - 2752 Commercial printing, lithographic
 - 2754 Commercial printing, gravure
 - 2759 Commercial printing, NEC
- 276 Manifold Business Forms**
 - 2891 Adhesives and sealants
 - 2892 Explosives
 - 2893 Printing ink
 - 2895 Carbon black
 - 2899 Chemicals & chemical preparations, NEC
- 29 PETROLEUM REFINING & RELATED INDUSTRIES**
 - 291 Petroleum Refining**
 - 2911 Petroleum refining
 - 295 Asphalt Paving & Roofing Materials**
 - 2951 Asphalt paving mixtures and blocks
 - 2952 Asphalt felts and coatings
 - 299 Miscellaneous Products of Petroleum & Coal**
 - 2992 Lubricating oils and greases
 - 2999 Products of petroleum & coal, NEC
- 30 RUBBER & MISC. PLASTICS PRODUCTS**
 - 301 Tires and Inner Tubes**
 - 3011 Tires and inner tubes
 - 302 Rubber and Plastics Footwear**
 - 3021 Rubber and plastics footwear
 - 305 Gaskets, Packing, & Sealing Devices & Rubber & Plastics Hose & Belting**
 - 3052 Rubber and plastics hose and belting
 - 3053 Gaskets, packing and sealing devices
 - 306 Fabricated Rubber Products, NEC**
 - 3061 Molded, extruded, and lathe-cut mechanical rubber goods
 - 3069 Fabricated rubber products, NEC
 - 308 Miscellaneous Plastics Products**
 - 3081 Unsupported plastics film and sheet
 - 3082 Unsupported plastics profile sheets
 - 3083 Laminated plastics plate, sheet, and profile sheets
 - 3084 Plastics pipe
 - 3085 Plastics bottles
 - 3086 Plastics foam products
 - 3087 Custom compounding of purchased plastic resins
 - 3088 Plastics plumbing fixtures
 - 3089 Plastics products, NEC
- 31 LEATHER AND LEATHER PRODUCTS**
 - 311 Leather Tanning and Finishing**
 - 3111 Leather tanning and finishing
 - 313 Boot and Shoe Cut Stock and Findings**
 - 3131 Boot and shoe cut stock and findings
 - 314 Footwear, Except Rubber**
 - 3142 House slippers
 - 3143 Men's footwear, except athletic
 - 3144 Women's footwear, except athletic
 - 3149 Footwear, except rubber, NEC
 - 315 Leather Gloves and Mittens**
 - 3151 Leather gloves and mittens
 - 316 Luggage**

- 3161 Luggage
- 317 Handbags and Other Personal Leather Goods**
 - 3171 Women's handbags and purses
 - 3172 Personal leather goods, except women's handbags and purses
- 319 Leather Goods, NEC**
- 322 Glass and Glassware, Pressed or Blown**
 - 3221 Glass containers
 - 3229 Press & blown glass & glassware, NEC
- 324 Cement, Hydraulic**
 - 3241 Cement, hydraulic
- 325 Structural Clay Products**
 - 3251 Brick & structural clay tile
 - 3253 Ceramic wall and floor tile
 - 3255 Clay refractories
 - 3259 Structural clay products, NEC
- 326 Pottery and Related Products**
 - 3261 Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories
 - 3262 Vitreous china table and kitchen articles
 - 3263 Fine earthenware table & kitchen articles
 - 3264 Porcelain electrical supplies
 - 3269 Pottery products, NEC
- 327 Concrete, Gypsum, & Plaster Products**
 - 3271 Concrete block and brick
 - 3272 Concrete products, except block & brick
 - 3273 Ready-mixed concrete
 - 3274 Lime
 - 3275 Gypsum products
- 328 Cut Stone and Stone Products**
 - 3281 Cut stone and stone products
- 329 Abrasive, Asbestos, & Misc. Nonmetallic Mineral Products**
 - 3291 Abrasive products
 - 3292 Asbestos Products
 - 3295 Minerals & earths, ground or otherwise treated
 - 3296 Mineral wool
 - 3297 Non-clay refractories
 - 3299 Nonmetallic mineral products, NEC
- 33 PRIMARY METAL INDUSTRIES**
- 331 Steel Works, Blast Furnaces, and Rolling and Finishing Mills**
 - 3312 Steel works, blast furnaces & rolling mills
 - 3313 Electrometallurgical products, except steel
 - 3315 Steel wiredrawing & steel nails & spikes
 - 3316 Cold-rolled steel sheet, strip, and bars
 - 3317 Steel pipe and tubes
- 332 Iron and Steel Foundries**
 - 3321 Gray and ductile iron foundries
 - 3322 Malleable iron foundries
 - 3324 Steel investment foundries
 - 3325 Steel foundries, NEC
- 333 Primary Smelting & Refining of Nonferrous Metals**
 - 3331 Primary smelting and refining of copper
 - 3334 Primary production of aluminum

- 3199 Leather goods, NEC
- 32 STONE, CLAY, GLASS, & CONCRETE PRODUCTS**
- 321 Flat Glass**
 - 3211 Flat glass
 - 3339 Primary smelting and refining of nonferrous metals, except copper and aluminum
- 334 Secondary Smelting & Refining of Nonferrous Metals**
 - 3341 Secondary smelting & refining of nonferrous metals
- 335 Rolling, Drawing and Extruding of Nonferrous Metals**
 - 3351 Rolling, drawing, & extruding of copper
 - 3353 Aluminum sheet, plate, and foil
 - 3354 Aluminum extruded products
 - 3355 Aluminum rolling and drawing, NEC
 - 3356 Rolling, drawing, & extruding of nonferrous metals, except copper and aluminum
 - 3357 Drawing & insulating of nonferrous wire
- 336 Nonferrous Foundries (Castings)**
 - 3363 Aluminum die-castings
 - 3364 Nonferrous die-castings, except aluminum
 - 3365 Aluminum foundries
 - 3366 Copper foundries
 - 3369 Nonferrous foundries, except aluminum & copper
- 339 Miscellaneous Primary Metal Products**
 - 3398 Metal heat treating
 - 3399 Primary metal products, NEC
- 34 FABRICATED METAL PRODUCTS, EXCEPT MACHINERY AND TRANSPORTATION EQUIPMENT**
- 341 Metal Cans and Shipping Containers**
 - 3411 Metal cans
 - 3412 Metal shipping barrels, drums, kegs, & pails
- 342 Cutlery, Hand tools, and General Hardware**
 - 3421 Cutlery
 - 3423 Hand & edge tools, except machine tools and handsaws
 - 3425 Saw blades and handsaws
 - 3429 Hardware, NEC
- 343 Heating Equipment, Except Electric and Warm Air: and Plumbing Fixtures**
 - 3431 Enameled iron and metal sanitary ware
 - 3432 Plumbing fixture fittings and trim
 - 3433 Heating equipment, except electric and warm air furnaces
- 344 Fabricated Structural Metal Products**
 - 3441 Fabricated structural metal
 - 3442 Metal doors, sash, frames, molding, & trim
 - 3443 Fabricated plate work (Boiler shops)
 - 3444 Sheet metal work
 - 3446 Architectural and ornamental metal work
 - 3448 Prefab. metal buildings & components

- 3449 Miscellaneous structural metal work
- 345 Screw Machine Products, and Bolts, Nuts, Screws, Rivets and Washers**
 - 3451 Screw machine products
 - 3452 Bolts, nuts, screws, rivets, and washers
- 346 Metal Forging and Stamping**
 - 3462 Iron and steel forging
 - 3463 Nonferrous forging
 - 3465 Automotive stamping
 - 3482 Small Arms Ammunition
 - 3483 Ammunition, Except for Small Arms
 - 3484 Small Arms
 - 3489 Ordnance & Accessories, NEC
- 349 Miscellaneous Fabricated Metal Products**
 - 3491 Industrial valves
 - 3492 Fluid power valves and hose fittings
 - 3493 Steel springs, except wire
 - 3494 Valves and pipe fittings, NEC
 - 3495 Wire springs
 - 3496 Miscellaneous fabricated wire products
 - 3497 Metal foil and leaf
 - 3498 Fabricated pipe and pipe fittings
 - 3499 Fabricated metal products, NEC
- 35 INDUSTRIAL AND COMMERCIAL MACHINERY AND COMPUTER EQUIPMENT**
 - 351 Engines and Turbines**
 - 3511 Steam, gas, and hydraulic turbines, & turbine generator set units
 - 3519 Internal combustion engines, NEC
 - 3523 Farm machinery and equipment
 - 3524 Lawn & garden tractors & home lawn & garden equipment
 - 353 Construction, mining, & materials handling machinery & equipment**
 - 3531 Construction machinery and equipment
 - 3532 Mining machinery & equipment, except oil & gas field machinery & equipment
 - 3533 Oil & gas field machinery and equipment
 - 3534 Elevators and moving stairways
 - 3535 Conveyors and conveying equipment
 - 3536 Overhead traveling cranes, hoists, and monorail systems
 - 3537 Industrial trucks, tractors, trailers, & stackers
 - 3541 Machine tools, metal cutting types
 - 3542 Machine tools, metal forming types
 - 3543 Industrial patterns
 - 3544 Special dies and tools, die sets, jigs and fixtures, and industrial molds
 - 3545 Cutting tools, machine tool accessories, and precision measuring devices
 - 3546 Power driven Hand tools
 - 3547 Rolling mill machinery & equipment
 - 3548 Electric & gas welding & soldering equipment
 - 3549 Metalworking machinery, NEC
 - 355 Special Industry Machinery, except Metalworking Machinery**
 - 3552 Textile machinery
 - 3553 Woodworking machinery
 - 3554 Paper industries machinery
 - 3466 Crowns and closures
 - 3469 Metal stamping, NEC
 - 347 Coatings, Engraving, and Allied Services**
 - 3471 Electroplating, plating, polishing, anodizing and coloring
 - 3479 Coating, engraving, & Allied Services, NEC
 - 348 Ordnance & Acces., except Vehicles & Missiles**
 - 3555 Printing trades machinery & equipment
 - 3556 Food products machinery
 - 3559 Special industry machinery, NEC
 - 356 General Industrial Machinery and Equipment**
 - 3561 Pumps and pumping equipment
 - 3562 Ball and roller bearings
 - 3563 Air and gas compressors
 - 3564 Industrial & commercial fans & blowers & air purification equipment
 - 3565 Packaging machinery
 - 3566 Speed changers, industrial high-speed drives, and gears
 - 3567 Industrial process furnaces and ovens
 - 3568 Mechanical power transmission equipment, NEC
 - 3569 General industrial machinery & equipment, NEC
 - 357 Computer and Office Equipment**
 - 3571 Electronic computers
 - 3572 Computer storage devices
 - 3575 Computer terminals
 - 3577 Computer peripheral equipment, NEC
 - 3578 Calculating & accounting machines, except electronic computers
 - 3579 Office machines, NEC
 - 358 Refrigeration & Service Industry Machinery**
 - 3581 Automatic vending machines
 - 3582 Commercial laundry, dry-cleaning, and pressing machines
 - 3585 Air conditioning and warm air heating equipment
 - 3586 Measuring and dispensing pumps
 - 3589 Service industry machinery, NEC
 - 359 Miscellaneous Indust. & Commercial Machinery & Equipment**
 - 3592 Carburetors, pistons, rings, & valves
 - 3593 Fluid power cylinders and actuators
 - 3594 Fluid power pumps and motors
 - 3596 Scales & balances, except laboratory
 - 3599 Machinery and equipment, NEC
- 36 ELECTRONIC AND OTHER ELECTRICAL EQUIPMENT AND COMPONENTS, EXCEPT COMPUTER EQUIPMENT**
 - 361 Electric Transmissions & Distribution Equip.**
 - 3612 Power, distribution, & specialty transformers
 - 3613 Switchgear & switchboard apparatus
 - 362 Electrical Industrial Apparatus**
 - 3621 Motors and generators
 - 3624 Carbon and graphic products
 - 3625 Relays and industrial controls
 - 3629 Electrical industrial apparatus, NEC

- 363 Household Appliances**
 - 3631 Household cooking equipment
 - 3632 Household refrigerators & home & farm freezers
 - 3633 Household laundry equipment
 - 3634 Electric housewares and fans
 - 3635 Household vacuum cleaners
 - 3639 Household appliances, NEC
- 364 Electric Lighting and Wiring Equipment**
 - 3651 Household audio & video equipment
 - 3652 Records, tapes, and discs
- 366 Communications Equipment**
 - 3661 Telephone and telegraph apparatus
 - 3663 Radio & television broadcasting & communications equipment
 - 3669 Communications equipment, NEC
- 367 Electronic Components & Accessories**
 - 3671 Electron tubes
 - 3672 Printed circuit boards
 - 3674 Semiconductors and related services
 - 3675 Electronic capacitors
 - 3676 Electronic resistors
 - 3677 Electronic coils, transformers, & other inductors
 - 3678 Electronic connectors
 - 3679 Electronic components, NEC
- 369 Misc. Electrical Machinery, Equipment, & Supplies**
 - 3691 Storage batteries
 - 3694 Electrical equipment for internal combustion engines
 - 3695 Magnetic & optical recording media
 - 3699 Electrical machinery, equipment, & supplies, NEC
- 37 TRANSPORTATION EQUIPMENT**
 - 371 Motor Vehicles and Motor Vehicle Equipment**
 - 3711 Motor vehicles and passenger car bodies
 - 3713 Truck and bus bodies
 - 3714 Motor vehicle parts and accessories
 - 3715 Truck trailers
 - 3716 Motor homes
 - 372 Aircraft and Parts**
 - 3721 Aircraft
 - 3724 Aircraft engines and engine parts
 - 3728 Aircraft parts and equipment, NEC
 - 373 Ship & Boat Building & Repair**
 - 3731 Ship building and repairing
 - 3732 Boat building and repairing
 - 374 Railroad Equipment**
 - 3743 Railroad equipment
 - 375 Motorcycles, Bicycles, and Parts**
 - 3751 Motorcycles, bicycles, and parts
 - 376 Guided Missiles & Space Vehicles & Parts**
 - 3761 Guided missiles & space vehicles
 - 3764 Guided missile & space vehicle propulsion units & propulsion unit parts
 - 3769 Guided missile & space vehicle parts & auxiliary equipment, NEC
 - 379 Miscellaneous Transportation Equipment**
 - 3792 Travel trailers and campers
 - 3795 Tanks and tank components
- 3641 Electric lamp bulbs and tubes
- 3643 Current-carrying wiring devices
- 3644 Noncurrent-carrying wiring devices
- 3645 Residential electric lighting fixtures
- 3646 Commercial, industrial, and institutional electric lighting fixtures
- 3647 Vehicular lighting equipment
- 3648 Lighting equipment, NEC
- 365 Household Audio & Video Equipment**
 - 3799 Transportation equipment, NEC
- 38 MEASURING, ANALYZING, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC, MEDICAL AND OPTICAL GOODS; WATCHES AND CLOCKS**
 - 381 Search, Detection, Navigation, Guidance, Aeronautical, & Nautical Systems, Instruments, and Equipment**
 - 3812 Search, detection, navigation, guidance, aeronautical, & nautical systems and instruments
 - 382 Laboratory Apparatus & Analytical, Optical, Measuring, and Controlling Instruments**
 - 3821 Laboratory Apparatus & Furniture
 - 3822 Automatic controls for regulating residential and commercial environments & appliances
 - 3823 Industrial instruments for measurement, display, & control of process variables; & related products
 - 3824 Fluid meters & counting devices
 - 3825 Electricity & electrical signal measurement instruments
 - 3826 Laboratory analytical instruments
 - 3827 Optical instruments and lenses
 - 3829 Measuring & controlling devices, NEC
 - 384 Surgical, Medical, & Dental Instruments & Supplies**
 - 3841 Surgical & medical instruments & apparatus
 - 3842 Orthopedic, prosthetic, & surgical appliances & supplies
 - 3843 Dental equipment & supplies
 - 3844 X-ray apparatus & tubes & related irradiation apparatus
 - 3845 Electromedical & electrotherapeutic apparatus
 - 385 Ophthalmic Goods**
 - 3851 Ophthalmic goods
 - 386 Photographic Equipment and Supplies**
 - 3861 Photographic equipment and supplies
 - 387 Watches, Clocks, Clockwork Operated Devices, and Parts**
 - 3873 Watches, clocks, clockwork operated devices and parts
- 39 MISC. MANUFACTURING INDUSTRIES**
 - 391 Jewelry, Silverware, and Plated Ware**

- 3911 Jewelry, precious metal
- 3914 Silverware, plated, & stainless steel ware
- 3915 Jewelers' materials & lapidary work
- 393 Musical Instruments**
 - 3931 Musical instruments
- 394 Dolls, Toys, Games, & Sporting Goods**
 - 3942 Dolls and stuffed toys
 - 3944 Games, toys, and vehicles, except dolls and bikes
 - 3949 Sporting and athletic goods, NEC
- 395 Pens, Pencils, & Other Artists' Materials**
 - 3951 Pens, mechanical pencils, and parts
 - 3952 Lead pencils, crayons, artists' materials
 - 3953 Marking devices
 - 3955 Carbon paper and inked ribbons
- 396 Costume Jewelry and Notions**
 - 3961 Costume jewelry
 - 3965 Fasteners, buttons, needles & pins
- 399 Miscellaneous Manufacturing Industries**
 - 3991 Brooms and brushes
 - 3993 Signs and advertising specialties
 - 3995 Burial caskets
 - 3996 Hard floor coverings, NEC
 - 3999 Manufacturing industries, NEC

- 4226 Special warehousing & storage, NEC
- 423 Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation**
 - 4231 Terminal & joint terminal maintenance facilities for motor freight transportation

43 UNITED STATES POSTAL SERVICE

- 431 United States Postal Service**
 - 4311 United States Postal Service

TRANSPORTATION AND PUBLIC UTILITIES

40 RAILROAD TRANSPORTATION

- 401 Railroads**
 - 4011 Railroads, line-haul operating
 - 4013 Railroad switching & terminals

41 LOCAL & SUBURBAN TRANSIT & INTERURBAN HIGHWAY PASSENGER TRANSPORTATION

- 411 Local and Suburban Passenger Trans.**
 - 4111 Local and suburban transit
 - 4119 Local passenger transit, NEC
- 412 Taxicabs**
 - 4121 Taxicabs
- 413 Intercity & Rural Bus Transit**
 - 4131 Intercity & rural bus transit
- 414 Bus Charter Service**
 - 4141 Local bus charter service
 - 4142 Bus charter service, except local
- 415 School Buses**
 - 4151 School buses
- 417 Terminal and Service Facilities for Motor Vehicle Passenger Transportation**
 - 4173 Terminal and service facilities for motor vehicle passenger transit**

42 MOTOR FREIGHT TRANSPORTATION & WAREHOUSING

- 421 Trucking and Courier Services, except Air**
 - 4212 Local trucking without storage
 - 4213 Trucking, except local
 - 4214 Local trucking with storage
 - 4215 Courier services, except by air
- 422 Public Warehousing and Storage**
 - 4221 Farm product warehousing & storage
 - 4222 Refrigerated warehousing & storage
 - 4225 General warehousing & storage

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APPENDIX D: CALCULATION OF ANIMAL UNIT EQUIVALENTS.

In this *Code*, Animal Units (Definition Number 9) are used as a system for relating various species of animals to one standard, based on their manure production. This standard has been developed by the U.S. Environmental Protection Agency in their regulation of feedlot runoff. The animal unit equivalent for various common animals are listed below:

<u>Type of Livestock</u>	<u>Animal Unit</u>
Slaughter Steers	1.0
Slaughter Heifers	1.0
Mature Dairy Cattle	1.4
Swine (over 55 pounds)	.4
Sheep	.1
Turkeys	.018
Laying Hens or Broilers ¹	.01
Laying Hens or Broilers ²	.033
Horses	2.0
Goats ³	.1
Geese and Rabbits ³	.018
Pigeons ³	.01

SOURCE: United States Code of Federal Regulations, Title 40, Chapter 412, Section 10.

1 For facility which has an unlimited continuous flow water system.

2 For facility which has a liquid manure handling system.

3 Source for these standards is the University of Maryland Cooperative Extension Service.

Thus if one owns five horses, ten beef heifers and twenty chickens, the calculation for animal unit equivalents are as follows:

5 horses x 2.0	=	10.0
10 beef heifers x 1.0	=	10.0
20 chickens x 0.01	=	<u>2.0</u>
Total Animal Units:		22.0

The *Code* specifies setbacks for farm structures housing given animal unit equivalents.

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